

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.54 of 2020

Dali Sahu

....

Appellant

Mr. P.C. Pattnaik, Advocate

-versus-

Padma Charan Pradhan and Another

Respondents

Mr. G.P. Dutta, counsel for Respondent No.2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

19.4.2022

Order No.

I.A. No.319 of 2021 & MACA No.54 of 2020

05. 1. Heard Mr. P.C. Pattnaik, learned counsel for the Appellant and Mr. G.P. Dutta, learned counsel for Respondent No.2.
2. Upon hearing both parties and considering the grounds mentioned in the petition the delay in filing the appeal is condoned.
3. The I.A. is disposed of.
4. In the impugned judgment dated 14th September, 2018 the learned Tribunal dismissed the claim application filed by the claimant for injuries sustained by him in the accident, on the ground that the Petitioner did not turn up to adduce evidence despite long pendency of the application.
5. During pendency of the present appeal before this Court, an affidavit dated 4th April, 2022 has been filed by the claimant stating that she will not claim any interest from the date of filing of the claim application in MAC No.74/222 of 2009/2008 till the date of judgment, i.e. 14th September, 2018.

6. Keeping in view such undertaking filed by the Appellant in the form of an affidavit, the appeal is disposed of by remitting back the matter to the Tribunal, i.e. learned 3rd MACT, Puri with a direction to reconsider the the claim application afresh after granting opportunity of hearing to all the parties dispose off by end of December, 2022. The claimant – Appellant and Insurer – Respondent No.2 are directed to appear before the learned Tribunal on or before 9th May, 2022.

7. The appeal is disposed of.

8. An urgent certified copy of this order be issued as per rules.

M.K.Panda



(B.P. Routray)
Judge