

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.120 of 2019

**D.M., National Insurance Co. Appellant
Ltd.**

-versus-

Sudhakar Barik & Anr. Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
23.09.2022**

Order No

08. I.A. No.921 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. This is an application for modification of order dtd.19.07.2022.
3. Mr. Tripathy, learned counsel for the Petitioner submitted that even though the rider of the offending vehicle was not having any driving license and the said fact was brought to the notice of the learned Tribunal, but no order was passed to that effect allowing right of recovery.
4. Even though the notice to the Owner-Respondent No. 2 was issued by this Court, but nobody entered appearance in spite of service of notice when the matter was heard finally.
5. In view of such stand taken in the I.A. as well as the stand taken before the learned Tribunal this Court while upholding the order passed on 19.07.2022, observed that the Company will be at liberty

to recover the amount to be paid to the Claimants from the Owner by filing appropriate application before the learned Tribunal.

6. It is observed that if any such application is filed by the Company before the learned Tribunal, the same shall be dealt with in accordance with law and by giving due opportunity of hearing to the Owner-Respondent No. 2.

7. I.A. is disposed of with the aforesaid observation.

(Biraja Prasanna Satapathy)
Judge

Sneha

