

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.440 of 2018

Susama Prusty and Others ***Appellants***

Mr. Sanjib Mohanty, Advocate

-versus-

Biswajeet Swain and Another ***Respondents***

Mr. S.K. Mohanty, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
24.11.2022

Order No.

I.A. No.64 of 2020 & MACA No.440 of 2018

- 08.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. S. Mohanty, learned counsel for the claimant – Appellants and Mr. S.K. Mohanty, learned counsel for insurer – Respondent No.2.
 3. It is seen from the documents brought on record that the alleged accident took place on 30th May, 2008 and the F.I.R. was lodged on 29th July, 2008.
 4. The appeal has been filed with delay of 832 days.
 5. In explaining the delay, it is submitted that the conducting counsel did not intimate the Appellants about dismissal of the claim application in time.
 6. The reason explained by the claimants to condone the delay is not found satisfactory for the reason that the litigant has the duty to get upto date status of his case from the lawyer. Even for non-

communication of the result of the case, the claimant is not supposed to wait for such a long period. Accordingly, this court is not inclined to condone the delay and the limitation petition is dismissed.

7. Resultantly, the appeal is dismissed on the ground of limitation.

(B.P. Routray)
Judge

M.K.Panda

