

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.106 of 2020

Hira Agarwal and others

....

Appellants

Mr. P.K. Mishra, Advocate

-versus-

Laxman Kumar Gountia and another

....

Respondents

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

06.09.2022

Order No.

05.

1. Heard Mr. P.K. Mishra, learned counsel for the Appellants-claimants as well as Mr. G.P. Dutta, learned counsel for the Respondent No.2-Insurance Company.
2. Present appeal by the Appellants-claimants is directed against the judgment dated 31.03.2018 of learned 3rd M.A.C.T., Deogarh in M.A.C. Case No.24 of 2011/35 of 2017 wherein learned Tribunal has refused to grant any compensation in favour of the claimants due to absence of evidences led on behalf of them.
3. It is submitted that considering the position of the claimants and the beneficial intention of the legislation, one more opportunity may be granted to them to prove their case by adducing evidence.
4. Upon hearing Mr. G.P. Dutta, learned counsel for the Respondent No.2-insurer and perusal of the impugned judgment,

it reveals that though the claim application was filed in the year 2011, but till 2018 no evidence was adduced from the side of the claimants and the learned Tribunal by observing so has said that the claimants have failed to prove their case in absence of any evidence.

5. Upon hearing both the parties and considering the benevolent intention of the M.V. Act for grant of compensation and that, the claimants are the LR's of the deceased, who died in the alleged accident dated 14.11.2010, where the FIR and Police papers have been filed in support of the same, it is felt appropriate to remit the matter back to the learned Tribunal for fresh adjudication.

6. In the result, the appeal is disposed of by sending the matter back to the learned Tribunal for fresh adjudication from the stage of adducing evidence, with a direction to the Tribunal to decide the case afresh in accordance with law after granting opportunity to led such evidence, if any, by the parties. The learned Tribunal is further directed to dispose of the matter as expeditiously as possible since the date of accident is of the year 2010, preferably within a period of six months from the date of appearance of the insurer and the claimants. Both the insurer and the claimants present before this Court are directed to appear before the learned Tribunal on 10th October, 2022.

7. It is further observed that, for the delay in disposal of the claim application, attributable to the claimants, the learned

Tribunal, if deems appropriate, may direct for waiver of payment of interest for such period by the insurer.

8. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge

