

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.115 of 2020

Subrat Kumar Pati

....

Appellant

Mr. P.K. Mishra, Advocate

-versus-

Sushanta Kumar Behera and others

....

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 Appellant-claimant as well as Mr. G.P. Dutta, learned counsel for the Respondent No.2-Insurance Company.
2. Present appeal by the Appellant-claimant is directed against the judgment dated 31.03.2018 of learned 3rd M.A.C.T., Deogarh in M.A.C. Case No.71 of 2011/24 of 2017 wherein learned Tribunal has refused to grant any compensation in favour of the claimant due to absence of evidences led on behalf of him.
3. It is submitted that considering the position of the claimant and the beneficial intention of the legislation, one more opportunity may be granted to him to prove his 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 claimant and the learned Tribunal by observing so has said that the claimant has failed to prove his case in absence of any evidence.

5. Upon hearing both the parties and considering the benevolent intention of the M.V. Act and that the claimant sustained injury in the alleged accident dated 24.07.2010, 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 claimant. Both the insurer and the claimant 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 claimant, 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



B.K. Barik