

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8242 of 2022

Sabina Toppo

....

Petitioner

Mr.Pabitra Kumar Nayak, Advocate

-versus-

***Reliance General Insurance Co.
Ltd. & another***

....

Opp. Parties

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

28.10.2022

Order No.

03

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The present writ application has been filed challenging the order dated 11.04.2012 passed by the learned 1st Additional District & Sessions Judge-cum-3rd MACT Rourkela in MAC Case No.201 of 2009. By virtue of the impugned order dated 11.04.2012 the learned MACT Tribunal has rejected the application of the Petitioner for disbursement of the amount on the ground that the Petitioner is not a party to the claim application.
3. Learned counsel for the Petitioner submits that one Joseph Toppo has filed the Claim case on account of death of his son on account of a road accident. Thereafter an award was passed granting compensation. However, after the award was passed the amount was disbursed, unfortunately the husband of the Petitioner, who was the

claimant passed away. After the death of the Claimant namely Joseph Toppo, the present Petitioner who happens to be the wife of the Claimant filed an application before the learned Tribunal for disbursement of the awarded compensation amount. However, the same was rejected on the ground that the Petitioner was not a party to the Claim case.

4. The present writ application has been filed attaching a copy of the Legal heir Certificate of late Joseph Toppo, which reveals that along with the present Petitioner two other persons were shown as legal heirs. Further, since the award has been passed after due adjudication in favour of late Joseph Toppo, who is admittedly the husband of the present Petitioner, the awarded amount lawfully belongs to the deceased claimant. Accordingly, the Petitioner and other legal heirs, who are the legal successors are entitled to get the said award.

5. In such view of the matter, this Court is of the considered opinion that the order dated 11.02.2012 passed by the learned Tribunal should be set aside and the same is set aside. The matter is remitted back to the learned 1st Additional District & Sessions Judge-cum-3rd MACT, Rourkela to reconsider the disbursement of claim amount in MAC No.201 of 2009 and consider the same in accordance with law by taking into consideration the legal heir certificate of claimant late Joseph Toppo and further on verification, if it is found that the present Petitioner and others were shown as legal heirs in the legal heir certificate issued by the competent authority, the amount shall be disbursed in their favour within two months from the date of production of certified copy of this order.

6. With the aforesaid observation, the writ application stands disposed of.
7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

RKS

