

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1056 of 2017

From the Judgment / Order dated 04.02.2017 passed by the learned M.A.C.T., Balasore, in M.A.C Case No.1767/2014.

.....

Biranchi Narayan Panda

....

Appellant

-versus-

Swarnalata Parida & Others

....

Respondents

For Appellant : M/s. S.B.Singh & P.B.Sinha.

For Respondents : M/s. G.P.Dutta, S.K.Mohanty,
B.K.Sahoo, S.Parween,
M/s.P.K.Mishra & P.P.Mishra.

PRESENT:

THE HONBLE JUSTICE BIRAJA PRASANNA SATAPATHY

संस्थानिक न्यायो

Date of Hearing: 25.04.2022 and Date of Order:04.05.2022

Biraja Prasanna Satapathy, J.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. B. Singh, learned counsel for the Appellant and Mr. G.P. Dutta, learned counsel for the Respondent No.3-Company.
- 3.** In spite of due appearance, nobody appeared on behalf of Respondent Nos.1 and 2, when the matter is taken up.

4. Heard learned counsel for the Parties.

5. This appeal has been filed by the owner of the offending vehicle challenging the direction of the learned Tribunal with regard to right of recovery granted in favour of the Respondent No.3-Company as against the owner/Appellant.

6. It is submitted by Mr. Singh, learned counsel for the Appellant that even though the Driving Licence of the driver of the offending vehicle was produced before the learned Tribunal but learned Tribunal while directing the Respondent-Company to pay the compensation allowed right of recovery as against the owner-Appellant without any reason or basis.

7. It is submitted that during pendency of this appeal and on verification, it is also found that the driver of the offending vehicle had valid licence and accordingly no right of recovery is permissible.

8. Mr. Dutta, learned counsel for the Respondent No.3 also submitted that the driver of the offending vehicle had valid Driving Licence and the company on verification of the same has found it to a valid one.

9. In view of such stand taken by the Respondent-Company, this Court while interfering with the impugned judgment held that the Respondent No.3-Company is not entitled to recover the compensation so awarded by learned Tribunal from the owner-Appellant. The impugned judgment is accordingly modified to the extent indicated hereinabove.

10. With the aforesaid observations and directions the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 4th of May, 2022/Subrat

