

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C). No.11391 of 2009

Shridutta Mohanty

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Petitioner(s)
Mr.P.K.Patnaik.
Advocate

-versus-

*Regional Manager, The New India
Assurance Company Ltd. & Ors.*

Opposite Party(s)
Mr.R.Sharma, Adv.
Mr.S.K.Sarangi, Adv.

CORAM:
JUSTICE BISWANATH RATH

ORDER
14.02.2022

Order No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“In view of the aforementioned facts and circumstances of the case, it is respectfully prayed that this Hon’ble Court may graciously be pleased to:-

- (i) admit this writ application and call for the LCR;
- (ii) issue notice to the Opp. Parties specifically to the Opp. Party No.1 and 2 to show cause as to why the Order passed vide Annexure-13 and 19 shall not be quashed and if the Opp. Party No.1 and 2 fail to show cause or show insufficient cause, this Hon’ble Court may issue appropriate writ by quashing the Order under Annexure-13 and 19;
- (iii) And further be pleased to direct the Opp. Party No.1 and 2 to release the claim of the petitioner and pay all dues along with admissible interest;
- (iv) And further be pleased to direct the Opp. Party No.3 not to take any coercive action in the meantime till release of the claimed amount.
- (v) And further be pleased to award compensation to the petitioner for the mental agony, torture, harassment caused by the Opp. Party no.1 and 2 & the cost of litigation;
- (vi) And to pass any other direction/directions or pass any other order/orders as this Hon’ble Court finds appropriate in the interest of justice, equity and fair play;

And for this act of kindness the petitioner shall as in duty bound ever pray.

3. During course of submission, this Court finds through a development vide Annexure-17 for further consideration of the settlement of Insurance claim and Rangoli Colour Lab., the Manager in issuing such letter has already requested for settlement of claim on the basis of information and the document supplemented through such communication. Both the parties are unable to bring to the notice of this Court regarding any further development of such remand of the dispute.

4. Keeping this in view, this Court finds for there is already remand of the proceeding for resettling the claim and forwarding the claim to the Bank for their approval. This is a matter pending at the end of Divisional Manager, The New India Assurance Co. Ltd. Bhubaneswar D.O.-II, Sahid Nagar, Bhubaneswar. Treating this to be a pending case, this Court declines to interfere in the matter at this stage. In the event there is no finality involving the request at page-46 of the brief, let a finality be achieved on such request and direction involving the parties within a period of three months from the date of communication of certified copy of this order by the petitioner.

5. With this observation and direction, the writ petition stands disposed of.

(Biswanath Rath)
Judge