

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1394 of 2016

Sri Gouri Mohan Rath

....

Appellant

Mr. S.K. Patnaik, Advocate

-versus-

Satyajit Ojha and others

....

Respondents

Mr. G.P. Dutta, Advocate for Respondent No.3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
12.10.2022

Order No.

08.

1. Heard Mr. S.K. Patnaik, learned counsel for the Appellant-claimant as well as Mr. G.P. Dutta, learned counsel for the Respondent No.3-Insurance Company.
2. Present appeal by the Appellant-claimant is directed against the order dated 17.02.2016 of learned 2nd M.A.C.T., Cuttack in Misc. Case No.129 of 2008 wherein learned Tribunal has refused to grant any compensation in favour of the claimant and passed a nil award.
3. Upon hearing both the parties, it reveals that the learned Tribunal due to non-turning up of the claimant for his further examination has directed for 'nil award'.
4. It is submitted on behalf of the claimant that due to some miscommunication regarding fixation of date by the learned

Tribunal, the claimant could not produce himself for examination in evidence.

5. Upon going through the impugned order and considering the submissions and to grant one more opportunity to the claimant keeping in view the beneficial intention of the legislation, it is considered appropriate to remand the matter back for fresh adjudication with a direction that learned Tribunal shall proceed from the stage of evidence after giving due opportunity of adducing evidence to both the parties and shall decide the case afresh. Accordingly, it is directed so and the parties present before this Court are directed to appear before learned Tribunal on 31st October, 2022 along with certified copy of this order. The learned Tribunal shall do well to dispose of the case within a period of six months thereafter.

6. It is open for the Insurance Company to take such plea of waiver of interest during the period from dismissal of the claim application till appearance of the parties before learned Tribunal pursuant to this order. It is made clear that this court has not expressed any opinion on merit of the same.

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

(B.P. Routray)
Judge