

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.405 of 2017

Ranjita Pradhan & Ors.

....

Appellants

-versus-

**Debendra Kumar Sahoo &
Anr.**

....

Respondents

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.03.2022

Order No

08. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Sen, learned counsel appearing for Appellants, Mr. R.K. Nayak and associates on behalf Respondent No.1 and Ms. Mitali Jesthi, learned counsel appearing for the Respondent-Company.

3. This Appeal has been filed by the Appellants/Claimants challenging the award dated 02.12.2016 passed in MACA Case No.414 of 2010 by the learned 2nd ADJ -cum- 3rd MACT, Cuttack.

4. It is submitted by Mr. Sen, learned counsel for Appellants that vide the said award learned Tribunal dismissed the claim so raised by the Appellants/Claimants on the ground that no evidence was laid from the side of the Claimants in spite of several opportunities.

5. It is submitted by Mr. Sen, learned counsel for Appellants that Appellant No.1 as the wife of the deceased was prosecuting the matter before the learned Tribunal and she being a lady, she was not properly advised by the learned counsel and accordingly could not be deposed in support of the claim before the learned Tribunal.

6. It was also submitted by Mr. Sen, learned counsel for Appellants that since the case in hand is a case of death, learned Tribunal should have allowed sufficient opportunities to the Claimants to lead evidence in support of the claim.

7. Ms. Jesthi, learned counsel appearing for the Respondent-Company, though supported the order passed by the learned Tribunal, but could not dispute the stand taken by the Appellants that sufficient opportunities were not given to the Claimants to lead evidence before the learned Tribunal.

8. Having heard learned counsel for the Parties and since the present case is a case of death, I deem it fit and proper to set aside the award dated 02.12.2016 passed by the learned Tribunal in MAC Case No.414 of 2014 and remand the same to the learned Tribunal for fresh hearing and dispose of the same in accordance with law.

9. Since the case is of the year 2010, I further direct the learned Tribunal to take effective steps for disposal of the matter as early as possible preferably within a period of six months from the date of production of the certified copy of the order.

10. It is observed that the Parties are at liberty to lead such evidence in support of their respective claims.

11. With the aforesaid observation and direction, the Appeal is disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha

