

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.811 of 2016**

***Divisional Manager, New India  
Assurance Company Ltd.***

***.... Appellant***

Mr. A.A. Khan, Advocate

***-versus-***

***Arati Behera and Others***

***.... Respondents***

Mr. P.K. Mishra, counsel for Respondents 1-3

**CORAM:  
SHRI JUSTICE B. P. ROUTRAY**

**ORDER  
22.02.2022**

**Order No.**

**I.A. No.148 of 2022**

11. 1. Heard Mr. P.K. Mishra, learned counsel for the claimant (Respondents) and Mr. A.A. Khan, learned counsel for the insurer (Appellant).
2. It is submitted that Respondent No.2 namely Rajani Behera who is mother of the deceased died during pendency of the appeal on 5<sup>th</sup> December, 2020 and the same could not be brought to the notice of the court inadvertently. It is thus prayed that her name may be deleted and no further substitution is required since all her LRs are already on record.
3. Considering the submissions, the prayer is allowed.
4. The order dated 7<sup>th</sup> February, 2022 is modified to the extent that, “the entire awarded amount shall be disbursed between

Respondent Nos.1 and 3 on such terms and proportion to be decided by the learned Tribunal.”

5. The I.A. is disposed of.

6. An urgent certified copy of this order be issued as per rules.

**( B.P. Routray )**  
**Judge**

M.K.Panda

