

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.338 of 2016

Chairman/Chief Executive Officer, CESU, Bhubaneswar and others ***Appellants***

Mr. D.K. Mohanty-1, Advocate
-versus-

Judhistira Rout ***Respondent***

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

ORDER

10.10.2022

Order No.

05.

1. The present appeal is directed against the order dated 13th May, 2016 passed by the learned Single Judge allowing the Writ Petition (Civil) No.28422 of 2013 filed by the Respondent who had lost his 20 years old son due to electrocution. Learned Single Judge while relegating the Respondent to the remedy in the civil court directed the present Appellant to pay Rs.2,00,000/- as interim compensation.

2. While issuing notice in the present appeal on 5th April, 2018, this Court directed the Appellants to deposit Rs.2,00,000/- with the Registrar (Judicial) of this Court of which Rs.1,00,000/- was directed to be released without furnishing any security subject to the said condition, the impugned order was stayed.

3. Having heard the learned counsel for the Appellants, the Court is not inclined to interfere with the impugned order of the learned Single Judge. It is purely an interim measure subject to outcome of the civil suit be filed by the Respondent. Since the impugned order

was stayed, the Respondent could not file the suit as long as the stay was operating.

4. It is obvious that the civil suit will be decided by the court concerned without being influenced by any observation made by the learned Single Judge in the impugned order.

5. With this above clarification the following directions are issued:

(i) The balance amount of Rs.1,00,000/- will be released by the Registry to the Respondent on proper identification together with accrued interest thereon within two weeks.

(ii) The above release of the amount is without prejudice to the rights and contention of the present Appellants in the civil suit to be filed by the Respondent.

(iii) The time for the Respondent to file civil suit will begin to run from the date of disposal of the present appeal taking into account the fact pendency of both the writ petition and the present appeal.

(iv) No observation made by the learned Single Judge in the impugned order shall influence the decision of the civil court.

6. The writ appeal is accordingly disposed of.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge