

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1173 of 2007

Jalil Khan

....

Appellant

Mr. K. Panigrahi, Advocate

-versus-

Dhirendra K. Mohanty & Ors.

....

Respondents

*Mr. M. Sinha, Advocate
(Insurer-Company)*

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
25.08.2023**

Order No

20. I.A. No.1108 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. K. Panigrahi, learned counsel for the Appellant and Mr. M. Sinha, learned counsel appearing for the Insurer-Company.
3. This application has been filed seeking modification of order dtd.19.09.2022.
4. It is contended that the appeal was filed against the Judgment dtd.20.09.2007 so passed in MAC Case No. 291 of 2003 by the learned 1st MACT, Keonjhar. But in the first page of the order the case Number as well as the date of Judgment has been wrongly typed. It is also contended that in Para 4 of the order the date of Judgment has been wrongly typed as 20.09.2017 in place of 20.09.2007.

5. It is further contended that since during pendency of the appeal, the Appellant-Claimant died, his legal heirs were duly substituted by this Court vide order dtd.08.11.2021 and the legal heirs of the deceased Claimants are already on record. It is accordingly contended that necessary correction be made to the order dtd.19.09.2022 and thereby enabling the legal heirs of the deceased Claimant to get the benefit of the order. Mr. Sinha, learned counsel appearing for the Company has no serious objection to the submissions made by Mr. Panigrahi,

6. Considering the submissions, this Court while allowing the I.A., modify the order dtd.19.09.2022 to have been passed arising out of MAC Case No. 291 of 2003 by the learned 1st MACT, Keonjhar vide Judgment dtd.20.09.2007. Since the legal heirs of the deceased-Claimant are already on record, Appellant-Company is directed to deposit the amount in terms of the order dt.19.09.2022 if already not deposited, within a period of four (4) weeks from today. Learned Tribunal shall disburse the amount on such deposit in terms of the order dt.19.09.2022 in favour of the legal heirs of the deceased claimant.

7. The I.A. is disposed of with the aforesaid modification. Other part of the order remains as unaltered.

(Biraja Prasanna Satapathy)
Judge

Sneha

Signature Not Verified

Digitally Signed
Signed by: SNEHANJALI PARIDA
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of orissa, Cuttack
Date: 28-Aug-2023 11:36:37

