

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.778 of 2018

Alekha Behera and Another

....

Appellants

Mr. B.N. Samantaray, Advocate

-versus-

L. Vijaya Laxmi and Another

....

Respondents

Mr. G.C. Samantaray, counsel for Respondent No.2

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

20.12.2022

Order No.

- 07.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. B.N. Samantaray, learned counsel for the claimant – Appellants and Mr. G.C. Samantaray, learned counsel for insurer – Respondent No.2.
 3. Present appeal by the claimants is against the impugned order dated 2nd January, 2018 of learned 1st MACT, Cuttack passed in MAC Case No.1047 of 2012 wherein the tribunal has passed nil award order on the failure of the appellants to take steps for issuance of notice on the opposite parties.
 4. Upon hearing both parties and considering the submissions of the appellant that he being the victim of motor vehicular accident should be granted one more opportunity to substantiate his case, this court is inclined to remit the matter back to the tribunal for fresh adjudication.
 5. Accordingly the appeal is disposed of by remanding the matter back to learned tribunal for fresh adjudication, after giving opportunity of hearing to all the parties. The parties present before this court are directed to appear before the tribunal on 12th January, 2023

and the tribunal shall proceed from the stage of issuance of notice to the opposite parties and dispose of the claim application in accordance with law. It is open for the insurance company to claim for waiver of interest during the period of pendency of this appeal.

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

(B.P. Routray)
Judge

M.K.Panda

