

IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.843 of 2018

Minati Bhoi and Another ***Appellants***

Mr. Ananga Kumar Otta, Advocate

-versus-

Sarat Kumar Sahoo and Another ***Respondents***

Mr. P.K. Panda, counsel for Respondent No.2

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
20.10.2022

Order No.

I.A. No.1184 of 2018

- 03.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. A.K. Otta, learned counsel for claimant – Appellants and Mr. P.K. Panda, learned counsel for insurer – Respondent No.2.
 3. Mr. Otta, learned counsel for the claimants while praying to condone the delay submits that in respect of other claimants arising out of the same accident, the insurer has satisfied the award amount in MAC No.385 of 2012 before the same claims tribunal, i.e. learned District Judge-cum-1st MACT, Jagatsinghpur. He further submits that in the present claim application due to non-appearance of the claimants who are the widow and minor children of the deceased, nil award has been passed.
 4. Mr. Panda, learned counsel for the insurer does not dispute satisfaction of award amount in respect of other claimants in MAC

No.385 of 2012. It is thus seen that the accident is not disputed by the insurer.

5. Considering the status of the claimants and the beneficial intention of the legislation, the delay in filing the appeal is condoned.

6. The I.A. is disposed of.

MACA No.843 of 2018

04. 7. Heard Mr. Otta, learned counsel for the claimant – Appellants and Mr. Panda, learned counsel for insurer – Respondent No.2.

8. Present appeal by the claimants is against the impugned judgment dated 11th March, 2016 of learned 1st MACT, Jagatsinghpur passed in MAC No.507 of 2011 wherein the tribunal has passed nil award refusing to grant compensation to the Appellants.

9. It is seen that due to non-adducing evidence by the claimants, the tribunal has closed the case by passing nil award. As per submissions made at the Bar, the award granted in MAC No.385 of 2012 in respect of other claimants arising out of the same accident has been satisfied by the insurer.

10. In instant case, the claimants are the widow and minor daughter of the deceased and considering their social status, it is felt apposite to give one more opportunity to the claimants, particularly when the genuineness of the accident is not disputed.

11. In the result, the appeal is disposed of by remanding back the matter to the tribunal for fresh adjudication and the parties present before this court are directed to appear before the tribunal on 14th

November, 2022 along with certified copy of this order. The tribunal shall proceed from the stage of evidence and consider the case in accordance with law after granting opportunity to adduce evidence by both parties. It is further directed that the tribunal shall do well for disposal of the claim application within a period of six months from the date of appearance of the parties.

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

(B.P. Routray)
Judge

M.K.Panda

