

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.607 of 2019

Mamata Behera and others

....

Appellants

Mr.K.C.Nayak, Advocate

-versus-

Banamali Nayak and another

....

Respondents

Mr.Kalpataru Panigrahi, Advocate for Respondent Nos.1 to 3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

14.09.2022

Order No.

I.A.No.774 of 2022

6.
 1. The matter is taken up through Hybrid mode.
 2. Heard Mr.Nayak, learned counsel for the Appellants and Mr.Panigrahi, learned counsel for the Respondents.
 3. There is delay of three years and two hundred fifty days in presenting the appeal.
 4. It is submitted on behalf of the Appellants that passing of nil award by the Tribunal was not within their knowledge since it was not communicated by their conducting lawyer. They only came to know about the order of the Tribunal on 17th August, 2019.
 5. Being asked, Mr.Nayak refuses to have made any complaint against the conducting lawyer about his laches for non-communication of the order to the Appellants.
 6. The Appellants being the claimants also did not explain as to what they were doing when the matter was fixed before the

Tribunal on different dates and how they were persuading the claim application before the Tribunal on such dates fixed.

7. As such, the explanation offered by the claimants to condone the delay in presenting the appeal is not found satisfactory. This Court is not inclined to condone the delay.

8. The I.A. is dismissed.

9. Resultantly, the appeal is dismissed on the ground of limitation.

(B.P. Routray)
Judge

C.R.Biswal

