

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.162 of 2021

The Secretary, Home Department

.... Appellant
Mr.K.K.Das, ASC

-versus-

Chandrakanta Bhoi and others

.... Respondents
Mr.P.K.Mishra, Advocate for Respondent Nos.1 & 3

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
19.09.2022

Order No.

- 6.
1. The matter is taken up through Hybrid mode.
 2. Heard Mr.Das, learned Additional Standing Counsel for the State and Mr.Mishra, learned counsel for Respondent Nos.1 and 3.
 3. Present appeal by the State is directed against the judgment dated 14th January, 2020 passed by learned 3rd M.A.C.T., Jagatsinghpur in M.A.C. Case No.208 of 2012, wherein compensation to the tune of Rs.13,50,080/- has been granted along with interest @ 7% per annum with effect from the date of filing of the claim application on account of death of the deceased in the motor vehicular accident dated 13th July, 2011.
 4. Upon hearing both parties and perusal of the impugned judgment, it reveals that the State-Appellant though entered appearance in the claim application before the Tribunal, but did not file its written statement. It is further seen from paragraph-7

of the impugned judgment that P.W.1 was not subjected to any cross-examination because the State-Appellant was set ex parte. So the findings given by the Tribunal at paragraphs-3, 6 & 7 are found disjunctive to each other. As such, it felt appropriate to remand the matter back for fresh decision to the Tribunal subject to payment of cost.

5. In the result, the impugned order is set aside subject to payment of cost of Rs.25,000/- (Twenty five thousand) to the claimants before 10th October, 2022 and the matter is remitted back to the Tribunal for fresh adjudication and it is open for both parties to adduce their respective evidence, if any. Both parties are directed to appear before the Tribunal on 10th October, 2022 and the Tribunal is directed to dispose of the matter within a period of two months thereafter, i.e. not later than 12th December, 2022.

6. It is made clear that failure to deposit the cost within the stipulated time, this order shall not be given effect to. The Tribunal will grant one more opportunity to the Appellant to file their written statement, if they want to file within such period not more than 10 days from the date of appearance of both parties.

7. With aforesaid observations and directions, the appeal is disposed of.

8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge