

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.392 of 2022

Janardan Set @ Sethi

.... ***Appellant***
Mr.P.K.Mishra, Advocate

-versus-

Soumitra Behera and another

.... ***Respondents***
Mr.B.Dasmohapatra, Advocate
for Respondent No.2

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
20.10.2022**

Order No.

2.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned counsel for the Claimant-Appellant and Mr.Dasmohapatra, learned counsel for Insurer-Respondent No.2.
3. Present appeal by the Appellant is against the judgment dated 21st May, 2022 of the 2nd Addl. District Judge-cum-3rd M.A.C.T., Cuttack in MAC Case No.679 of 2016, wherein nil award has been passed refusing grant of any compensation.
4. Upon hearing both parties and perusal of the impugned judgment, it reveals that upon failure on the part of the Appellant to lead any evidence, the Tribunal has disposed of the claim application with nil award.
5. It is submitted by Mishra that the claimant is a victim of motor accident and sustained with permanent disability and he could not lead his evidence due to search of livelihood.

6. Keeping in view the benevolent intention of the M.V. Act regarding grant of compensation, it is felt apposite to give one more opportunity to the claimant to prove his case. Accordingly, the appeal is disposed of by remanding back the matter to the learned Tribunal with a direction to decide the case afresh from the stage of evidence after granting opportunity to all the parties to adduce their evidence. Both parties present before this Court are directed to appear before the learned Tribunal on 14th November, 2022 along with certified copy of this order and the Tribunal shall do well to dispose of the claim application in accordance with law within a period of six months thereafter.

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

(B.P. Routray)
Judge

C.R.Biswal