

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.18837 of 2019

M/S- Doshi Automobiles

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Petitioner
Mr. V. Jena, Adv.

-Versus-

Ganesh Chandra Mohapatra

.....

Opp. Party
Mr. S.K. Das, Adv.

CORAM:
JUSTICE S. TALAPATRA
JUSTICE M.S. SAHOO
ORDER
07.09.2022

Order No.

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr. V. Jena, learned counsel appearing for the petitioner as well as Mr. S.K. Das, learned counsel appearing for the legal heirs of the Opposite Party-Workman.
3. An application under Order 22 Rule 4 of the CPC, read with Chapter-VI, Rule 27-A of the Orissa High Court Rules, 1949 has been filed by the writ petitioner in the proceeding which has been taken on the record.
4. It seeks substitution of the legal heirs of the deceased workman, the sole Opposite Party in this proceeding. We substitute the legal heirs as shown in the *schedule of the person* appended to this

application as the Opposite Parties No.1(a), 1(b) and 1(c) in terms of the description as provided in the said schedule (Page 3) in the said interlocutory application.

5. Since, we dispose this writ petition today, the Registry shall incorporate their name in the cause-title of writ petition by the authority of this order for record.

6. Mr. Das, learned counsel has appeared for the substituted Opposite Parties.

7. After interaction, the counsel for the parties has come to a consensus, that the writ petitioner will make final payment of the monetised amount to the extent of Rs.1,45,000/-.

8. Mr. Das, learned counsel has submitted that since a consensus has been reached, the substituted Opposite Parties will not insist for the other amount as reflected in the order dated 04.11.2019 by the Labour Court, Bhubaneswar in Industrial Dispute Misc. Case No.47 of 2019.

9. In view of the above consensus, the writ petition is disposed of with the following directions:

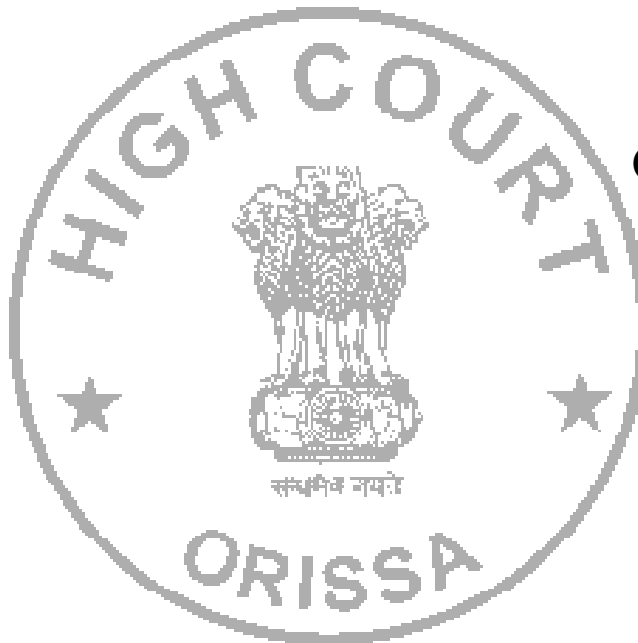
The writ petitioner shall pay a sum of Rs.70,000/- within 30th September, 2022. The remainder of the amount [Rs.1,45,000 - Rs.70,000] be paid in equal instalments one by 31st October, 2022 and the other by 30th of November, 2022 without fail.

10. There shall be no order as to costs.

11. A copy of this order be supplied to the counsel for the parties, free of cost.

12. Mr. Das, learned counsel has urged to further direct that the payment will be made to Binodini Mohapatra, the substituted Opposite Party No.1(a) as Mr. Das, learned counsel has instructions that the other substituted Opposite Parties will not have any objection, if the payment is made to their mother namely, Binodini Mohapatra. It is, therefore, ordered that the payment be made in the above mode to Binodini Mohapatra, the Opposite Party No.1(a).

Rati Ranjan



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge