

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.845 of 2019

Kanchanbala Das

....

Appellant

Mr.K.C.Nayak, Advocate

-versus-

Surendra Kumar Samal and another

....

Respondents

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

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

11.11.2022

Order No.

5. 1. The matter is taken up through Hybrid mode.
2. Heard Mr.Nayak, 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 19th June, 2019 of the Second Motor Accident Claims Tribunal, Cuttack, in Misc.Case No.228 of 1999, wherein the Tribunal has refused to grant any compensation for failure to adduce evidence.
4. Mr.Nayak submits that the claimant-Appellant is a poor lady who sustained injury in motor vehicular accident and thus, she should be granted one more opportunity to adduce her evidence.
5. Upon hearing Mr. Dasmohapatra, learned counsel for the Insurer and perusal of the impugned judgment, it reveals that the Insurer has filed their written statement. After framing of

issues, as the injured failed to adduce her evidence, the Tribunal has refused to grant any compensation.

6. Considering the fact that the claimant is a woman and she was injured in the alleged motor accident, it is felt appropriate to remand the matter back to the Tribunal for fresh adjudication. Accordingly, the appeal is disposed of by remanding back the matter to the learned Tribunal with a direction to decide the claim application afresh after granting opportunity to all the parties to adduce their evidence, if any. Both parties present before this Court are directed to appear before learned Tribunal on 28th 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. It is further observed that the Insurer is at liberty to pray for exemption of interest component for the period of pendency of the present appeal before this Court.

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

(B.P. Routray)
Judge

C.R.Biswal