

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1318 of 2018

Kapilash Naik

....

Appellant

-versus-

**Executive Sales Manager, C/o.
Tata Motors & Another**

Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
23.06.2022**

I.A. No.2032 of 2018

Order No

- 3.**
- 1.** This matter is taken up through Hybrid Mode.
 - 2.** Heard learned counsel for the Parties.
 - 3.** This is an application for condonation of delay in filing of the appeal.
 - 4.** Considering the grounds taken in the I.A, the delay in filing of the appeal is condoned.
 - 5.** Accordingly, the I.A. is disposed of.

**(Biraja Prasanna Satapathy)
Judge**

MACA No.1318 of 2018

- 4.**
- 1.** This appeal has been filed challenging the judgment dated 28.06.2018 passed in MACA Case No.338 of 2015 by the learned 7th MACT, Bhubaneswar.
 - 2.** Vide the aforesaid judgment, the claim of the Appellant/Claimants has been dismissed by passing a nil award.

3. It is submitted that though all the materials were placed before the learned Tribunal, but learned Tribunal without proper appreciation of the same rejected the application by passing a nil award.

4. It is also submitted that because of the injury sustained arising out of the accident, the injured sustained disability to the extent of 50% and that document was also exhibited but learned Tribunal without considering anything dismissed the appeal vide the impugned judgment dated 28.06.2018. Accordingly, it is prayed that the matter be remitted for fresh adjudication by the said Tribunal.

5. Mr. Sinha, learned counsel for the Respondent-Company has no serious objection to the aforesaid prayer made by the Appellant.

6. Considering the submissions made by both the counsels, this Court while setting aside the impugned judgment remit back the matter to the learned Tribunal for fresh adjudication and by giving an opportunity of hearing to both the parties. Both the parties are also at liberty to adduce any further evidence in support of their respective claims. Since the accident has occurred in the year 2010, learned Tribunal is also directed to dispose of the matter within a period of six months from the date of receipt of this order.

7. Accordingly, the MACA stands disposed of.

(Biraja Prasanna Satapathy)
Judge

