IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.41 of 2023

Laxmipriya Jena and others *...* ***Appellants***

Mr. P.K. Biswal, Advocate

-versus-

M/s. Sahid Cashew Processing and others *...* ***Respondents***

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)

Order No. **07.01.2025**

02. **I.A. No.82 of 2023, IA No.81 of 2023 & MACA No.41 of 2023**

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. The appellants-petitioners have of course not filed the petition under relevant provision, but the IA No.82 of 2023 is treated to be a petition under Rule-22(2) of the Orissa Motor Vehicles (Accident Claims Tribunal) Rules, 1960 (in short, "the Rules") by the appellants-petitioners for exemption from paying of Court fees for time being.

3. Heard learned counsel for the appellants and perused the record.

4. After hearing learned counsel for the appellants and on going through the averments of the IA, the prayer of the appellants for exemption of payment of Court fees for the time being stands allowed till disposal of this appeal. It is, however, made clear that the

appellants shall be liable to pay the Court fees as exempted by this order at the time of receiving the award.

5. Accordingly, the IA No.82 of 2023 stands disposed of.

6. This appeal by the LRs of the claimant which has been filed with a delay of 1908 days U/S.173 of the Motor Vehicle Act, 1988 (in short, "the Act") is directed against the order dated 17.04.2018 passed by the learned 1st MACT, Cuttack in MAC No.63 of 2012 (927/14) passing a nil award for the non-appearance of the original petitioner namely Sanjukta Dalei, who has already passed away in the meanwhile.

7. Heard Mr. P.K. Biswal, learned counsel for the appellants, who submits that due to death of the original claimant, her LRs could not know about the disposal of the case and, thereby, delay has occasioned in preferring this appeal against the nil award passed by the learned 1st MACT, Cuttack.

8. In view of the aforesaid submission, issue notice on admission and limitation to Respondents by Speed Post/Registered Post with AD fixing a short returnable date. Requisites for issuance of notice shall be filed within three working days.

9. List this matter on 12.02.2025.

(G. Satapathy)
Judge

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA DAS
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 08-Jan-2025 17:48:22