
(2023) 04 OHC CK 0013
In the Orissa High Court
Case No : MACA No.587 Of 2019

Annapurna Sahu And Others

APPELLANT

Vs

Hakim Khan And Another

RESPONDENT

Date of Decision : 03-04-2023

Acts Referred:

Citation : (2023) 04 OHC CK 0013

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : K. Das, A.K. Otta, S.K. Mohanty

Final Decision : Disposed Of

Judgement

B. P. Routray, J

I.A. No.1077 of 2019 and MACA No.587 of 2019

1. Heard Mr. K. Das, learned counsel on behalf of Mr. A.K. Otta, learned counsel for the Appellants-claimants and Mr. S.K. Mohanty, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimants is directed against the order dated 01.05.2018 of learned 2nd M.A.C.T., Cuttack in Misc. Case No.1246/1998, wherein learned Tribunal has disposed of the claim by passing nil award.

3. So far as the question of delay is concerned, considering the plight of the claimants that they are the widow and children of the deceased, who died in the motor vehicular accident, and the fact that the widow was working as a labourer in a faraway place, the delay in filing the appeal is condoned.

4. The I.A. is disposed of.

5. Though this appeal was listed under the heading "For Orders", but the same is taken up for final disposal on the request of parties.

6. The learned Tribunal has directed 'nil award' since the claimants have failed to adduce any evidence. The Appellants are the poor victims of motor accident. In the circumstances, the impugned award is set aside and the matter is remanded back.

7. In the result, the appeal is disposed of by remanding the matter back to the learned Tribunal for fresh adjudication in accordance with law after granting fresh opportunity of hearing to all concerned. Parties present before this Court are directed to appear before learned Tribunal on 1st May, 2023 along with a certified copy of this order.

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

.....