



IN THE HIGH COURT OF ORISSA AT CUTTACK
RVWPET No.67 of 2025

***M/s. Oriental Insurance Co. ...
Ltd., Cuttack***

Petitioner

Mr. S. Pradhan, Advocate

-versus-

Bharati Das & Others

Opposite Parties

Mr. S.K. Mohanty, Advocate

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
24.03.2025**

Order No.

01.

I.A. No. 100 of 2025

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. The present Interlocutory Application U/S.5 of the Limitation Act, 1963 has been filed by the petitioner to condone the delay of 25 days in preferring the revision petition.
3. Heard, Mr. S. Pradhan, learned counsel for the petitioner and Mr. S.K. Mohanty, learned counsel for the OPs in the matter and perused the record.
4. After hearing the learned counsel for the parties and on going through the averments taken in the I.A., since there is a delay of 25 days which has been explained to some extent by the petitioner, this Court notwithstanding to the objections raised by the OPs, considers it in the interest of justice to condone



the delay. Accordingly, the delay of 25 days in preferring the revision petition is, hereby, condoned.

5. Accordingly, the I.A. stands disposed of.

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6. This review application by the petitioner seeks to include "the right of recovery" to the insurer-M/s. Oriental Insurance Co. Ltd., Cuttack in the judgment passed by this Court which is sought to be reviewed on the very same ground.

7. Heard, Mr. S. Pradhan, learned counsel for the petitioner and Mr. S.K. Mohanty, learned counsel for the OPs in the matter and perused the record.

8. This Court by way of a judgment delivered on 03.01.2025 in MACA No. 1035 of 2024 which is sought to be reviewed has *inter alia* passed the following order:-

"6. In the result, the claim appeal is allowed in part on contest, but there is no order as to costs. The impugned award of compensation is modified to the extent of Rs.16,45,965/- together with simple interest @ 6% w.e.f. 24.01.2020. Consequently, the compensation amount be disbursed to the claimants-Respondent Nos.1 to 5 proportionately in terms of the award of the learned tribunal.

It is made clear that the statutory deposit be refunded back to the appellant-insurer on proof of deposit of the modified compensation amount within 60 days hence before the tribunal, who shall disburse the same



in the manner as ordered by it in the impugned judgment."

9. Be it noted, the impugned judgment dated 30.03.2024 passed in Misc. Case No.50 of 2020, the learned Tribunal in last part of the paragraph-12 has given the right of recovery to the insurer by observing that as the offending vehicle was insured with OP No.2 by covering the period of accident, the insurer-M/s. Oriental Insurance Co. Ltd., Cuttack is liable to pay the compensation to the petitioner by reserving the right of recovery from OP No.1(owner of the vehicle). It is clarified here that this Court has neither touched the aforesaid finding of the learned Tribunal nor set aside it and, therefore, it can be said that such finding of right to recovery remains operative and valid.

10. Accordingly, the insurer is given 30 days more time to deposit the awarded amount to the learned Tribunal in terms of the order passed by this Court.

11. In the result, the RVWPET & I.A. No.101 of 2025 are accordingly disposed of.

**(G. Satapathy)
Judge**

S.Sasmal