



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.537 of 2025

CNR No. ODHCC010247032025

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

.....

Appellant

Represented by Adv. –
Mr. Girija Prasad Dutta

-versus-

***Manoj Kumar Mahakud and
others***

.....

Respondents

Represented by Adv. –
M/s. Satyabhusan Das,
R.C.S. Nayak

(For Respondent No.1)

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

29.08.2026

Order No.

I.A. No.1234 of 2025

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. On perusal of the office note, it appears that ADS are back from Respondent No.3 and Respondent No.4 after valid service of notice in admission and limitation matter.
 3. So far as Respondent No.2 is concerned, notice in admission and limitation matter returned unserved from him with a postal report “Refused”.
 4. On such refusal, notice on Respondent No.2 is treated to be sufficient.
 5. This interlocutory application has been filed by the Petitioner/Appellant with a prayer for condonation of delay of 117



days in filing the appeal.

6. Heard the learned counsel for the Petitioner/Appellant as well as the learned counsel for the Opposite Party/Respondent No.1-Claimant.

7. Considering the submission made by the learned counsel for the Petitioner/Appellant as well as the grounds taken in the interlocutory application, the delay of 117 days in presentation of the appeal is hereby condoned, subject to payment of cost of Rs.2,000/- (Rupees two thousand) to the learned counsel for the Opposite Party/Respondent No.1-Claimant.

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

I.A.No.1830 of 2025

9. This interlocutory application has been filed by the Appellant-Petitioner with a prayer to stay the further proceeding in Execution Petition No.25/2025, arising out of MAC Case No.618 of 2019, pending in the court of learned 1st Additional District Judge-cum-1st MACT, Cuttack.

10 Heard the learned counsel for the Appellant-Petitioner.

11. Considering the submission made by the learned counsel for the Appellant-Petitioner, it is directed that, subject to the Appellant-Insurance Company depositing the entire awarded amount before the registry of this Court and upon furnishing a copy of the acknowledgment of the deposit by the Appellant-Insurance Company, the further proceeding in the Execution Case shall remain stayed till the next date.

Cross-Objection filed by the Respondent No.1

I.A. No.1978 of 2025

12. This interlocutory application has been filed by the cross-objectioner with a prayer to exempt him from payment of court fee of



Rs.3,000/- for the time being under Section under Rule-22(2) of the Odisha Motor Vehicles (Accident Claims Tribunal) Rules, 1960.

13. Learned counsel for the cross-objector, at the outset, contended that the cross-objector is a poor claimant and he is unable to pay the court fees at the moment. Accordingly, a prayer was made for exemption of the payment of court fees.

14. Considering such submission, it is directed that the payment of the court fees of Rs.3,000/- is deferred till delivery of the judgment in the appeal.

15. The I.A. stands disposed of.

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16. List this appeal on 17th September, 2026 along with MACA No.600 of 2025.

(A.K. Mohapatra)
Judge

Debasis