



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.571 of 2020

Sasanka Sekhar Bhuyan

....

Appellant

Mr. K. C. Dash, Advocate

-Versus-

**Dhirendra Kumar Panda &
another**

....

Respondents

Mr. S.K. Mohanty, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAIAK

ORDER

26.03.2026

I.A. Nos.899 and 900 of 2020

Order No.

07.

1. Heard.
2. I.A. No.899 of 2020 is filed for exemption from payment of court fee for the reasons stated. No objection is filed to the same. Considering the submission of learned counsel for the appellant, the Court is inclined to exempt such payment of such court fee for the present.
3. The other I.A. is for condonation of delay. As per the S.R., a delay of 262 days is shown and to the same, explanation is offered, which is on record. Again, no objection is filed from the side of respondents. Considering the fact that the claim petition was dismissed with a 'Nil' award in the year 2019, the Court is inclined to condone the delay in the interest of justice to ensure disposal of the appeal on merit.
4. Accordingly, it is ordered, the I.As. are allowed.

(R.K.Pattanaik)
Judge



MACA No.571 of 2020

08. 1. Heard learned counsels for the respective parties.
2. Instant appeal is filed under Section 173 of the MV Act at the behest of the appellant (claimant) assailing the impugned judgment dated 26th August, 2019 of learned 4th MACT, Bhubaneswar in MAC No.13 of 2014 on the grounds stated.
3. Mr. Dash, learned counsel for the appellant submits that the claim petition was disposed of for failing to lead evidence from the side of the claimant and it was followed by a 'Nil' award and therefore, the same is required to be set aside with a remand for the ends of justice. On the other hand, Mr. Mohanty, learned counsel for respondent No.2 requests for an adjournment to take instructions and respond on the next date fixed. But considering the matter has suffered, the Court is inclined to dispose of the appeal by the following order.
4. On reading of the impugned judgment in the MAC, the Court finds that issues were framed and thereafter, the claimant since failed to lead evidence in spite of opportunities allowed and submitted copies of the police papers only without being truly attested, the learned Tribunal dismissed the appeal and referring to a judgment of Guwahati High Court in case of **Oriental Insurance Co. Ltd. Vs. Vanlalhliri and another 2007(4) GLT 575** and directed a 'Nil' award.
5. The claim petition is for compensation of Rs.5 Lakh in an accident, which took place on 25th November, 2013. Considering the submissions of learned counsel for the respective parties, the Court is inclined and in favour of a



hearing and disposal of the claim petition on merit instead of a dismissal on technical ground. In other words, the Court is of the conclusion that the claim of the appellant needs a consideration by the learned Tribunal as he met with an accident alleging rashness and negligence of driving of the offending vehicle causing him multiple injuries. Mr. Mohanty, learned counsel for respondent No.2 submits that the Insurance Company is not liable to pay interest for a period between 2020 to 2026 for the negligence of the appellant and the delay. According to the Court, such a question is to be considered by the learned Tribunal while dealing with the claim petition.

6. Accordingly, it is ordered.

7. In the result, the appeal is allowed. Consequently, the impugned judgment in the MAC No.13 of 2014 dated 26th August, 2019 is hereby set aside with a direction to 4th MACT, Bhubaneswar to dispose of the claim petition filed under Section 166 of the M.V. Act after receiving evidence from the appellant and considering the response of respondent No.2 followed by a decision at the earliest preferably within a period of six months from the date of receipt of the Court's order.

8. In the circumstances, there is no order as to the costs.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge