

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.607 of 2023

National Insurance Company, .... Appellant  
T.P.HUB, Cuttack Divisional, Cuttack-II  
Mr. G.P. Dutta, Advocate

-Versus-

MaheswarHati& Others .... Respondents  
Mr. S.K. Patri, Advocate for Respondent Nos.1 and 2

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
17.01.2024

Order No.  
04.

1. In view of the SR, since notice on limitation as well as admission could not be delivered on respondent No.3, which has been received back with a report 'addressee cannot be located', learned counsel for the appellant wishes to take fresh notice against him and the same is hereby allowed with a direction to file the requisites with correct postal address within three weeks from today.
2. Learned counsel for respondent Nos.1 and 2 is present.
3. In the event, the requisites are filed with the correct address of respondent No.3, notice shall be issued to him forthwith making it returnable at an early date.
4. List on 13<sup>th</sup> February, 2024 for further orders.

(R.K.Pattanaik)  
Judge

**I.A. No.1242 of 2023**

1. Instant IA is filed for condonation of delay in filing the appeal in terms of Section 5 of the Limitation Act.
2. Learned counsel for the appellant Insurance Company submits that such delay should be condoned accepting the explanation offered which is objected to by learned counsel for respondent Nos.1 and 2 on the ground that it is no sufficient ground for condonation.
3. In course of hearing, learned counsel for respondent Nos.1 and 2 further submits that an objection is already filed which is however not available in the Court's record. A decision of this Court in **2014 (III) SCC 583** is referred to while opposing condonation of delay. A copy of the objection filed in the meantime by respondent Nos.1 and 2 is requested to be served on learned for the appellant Insurance Company for a reply and response.
4. List on the date fixed for orders on the IA.

(R.K.Pattanaik)  
Judge

TUDU

Signature Not Verified

Digitally Signed  
Signed by: THAKURDAS TUDU  
Designation: Sr. Stenographer  
Reason: Authentication  
Location: OHC, CTC  
Date: 18-Jan-2024 19:56:52

