



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MACA No.677 of 2019**

***Manju Mahakuda***

....

***Appellant***

*Mr. B.N. Rath, Advocate*

*-versus-*

***Gobinda Swain & Anr.***

....

***Respondents***

**CORAM:**

**JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER**

**07.07.2025**

**Order No.**

**I.A. No.902 of 2025**

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Learned counsel appearing for the appellant does not want to press the I.A.
3. Accordingly, the I.A stands disposed of as not pressed.

**(Biraja Prasanna Satapathy)**  
**Judge**

**I.A. No.2082 of 2024**

- 04. 1.** Heard.
2. With regard to the substitution of the deceased Respondent No.1, learned counsel appearing for the appellant contended that since the award passed by the Tribunal has already been satisfied and no right of recovery is there against the owner-respondent, in view of the



provisions contained under Section-155 of the M.V. Act, 1988, there is no requirement to substitute the owner-Respondent No.1

**3.** Having heard learned counsel appearing for the appellant and taking into account the provisions contained under Section-155 of the M.V. Act, 1988, this Court is also of the view that substitution of deceased Respondent No.1 is not required as the award has already been satisfied and there is no right of recovery as against the owner.

**4.** Even though notice on Respondent No.2 has already been served and nobody has entered appearance, Mr. G.P. Dutta, learned counsel contended that he can appear on behalf of Respondent No.2.

**5.** In view of the same, let a copy of the appeal memo along with I.A. be served on Mr. Dutta by tomorrow (08.08.2025).

**6.** Mr. Dutta, learned counsel is directed to obtain instruction and file his appearance before the next date.

**7.** As requested by Mr. G.P. Dutta, learned counsel, list this matter on 25<sup>th</sup> July, 2025.

**(Biraja Prasanna Satapathy)**  
**Judge**

Subrat

Signature Not Verified

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Reason: Authentication  
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Date: 08-Jul-2025 11:07:43

