



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.976 of 2023

***The Regional Manager,
Legal, M/s. Tata AIG,
G.I.Co., Ltd.***

....

Appellant

Mr. G.P. Dutta, Advocate

-versus-

***Aurobinda Debasis
Choudhury & Another***

....

Respondents

Mr. B.K. Mohanty, Adv. for Resp. No.1

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
03.05.2025**

I.A. No.1191 of 2025

Order No.

- 16.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Though this matter was not on the board, but on being mentioned the matter was taken up.
3. Heard learned counsel appearing for the Parties.
4. This I.A. has been filed with a prayer to set aside the award passed by the learned 3rd Addl. District Judge-cum-4th MACT, Cuttack vide judgment dtd.15.05.2023 in MAC No.380 of 2017 and thereby allowing the appeal and to recall order dtd.25.04.2025, so passed by this Court in the aforesaid appeal.



4.1. It is contended that since the claimant-respondent no.1 has already received a compensation of Rs.4,00,000/- under the Group Insurance Scheme, on the face of such compensation having been received by him no claim application should have been filed by the claimant claiming compensation for the accident in question.

4.2. It is also contended that the claimant-Respondent No.1 has no objection if the award passed by the Tribunal on 15.05.2023 is set aside by this Court by holding that no such claim application was ever filed by him.

4.3. It is also contended that the order passed by this Court on 25.04.2025 directing the State to cause an enquiry and to submit a report with regard to involvement of the offending vehicle be also recalled in the interest of justice.

5. Learned counsel appearing for the appellant-company though raised serious objection with regard to the prayer made in the I.A, but contended that since the claimant-respondent no.1 does not want to press the claim application and is ready for setting aside of the award, appropriate order can be passed by this Court in the interest of justice.

6. Having heard learned counsel appearing for the Parties and considering the stand taken in the I.A., this



Court while setting aside the impugned judgment dtd.15.05.2023 so passed by the learned 3rd Addl. District Judge-cum-4th MACT, Cuttack in MAC No.380 of 2017 in allowing the appeal, held the claim application in MAC No.380 of 2017 filed by the Respondent No.1 before the learned 3rd ADJ-cum-4th MACT, Cuttack as not pressed.

6.1. Considering the development and the stand taken in the I.A., this Court is also inclined to recall order dtd.25.04.2025.

7. Accordingly, the I.A. stands disposed of with the aforesaid observations and directions.

(Biraja Prasanna Satapathy)
Judge

MACA No.976 of 2023

17. 1. Heard.

2. In view of the nature of order passed in the I.A., the MACA stands allowed.

3. Statutory amount be refunded along with accrued interest, if any, on proper identification.

(Biraja Prasanna Satapathy)
Judge

Signature Not Verified

Digitally Signed
Signed by: SUBRAT KUMAR BARIK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 05-May-2025 19:15:09

