

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1018 of 2023

Kamala Swain

Appellant

....
Mr.Manoj Kumar Mohanty, Advocate

-versus-

Sarojini Swain and others

....

Respondents

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER
22.11.2023

Order No.

1. **I.A.NO.1827 OF 2023**

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. This Interlocutory Application has been filed seeking exemption from payment of court fee.

3. It is submitted by the learned counsel for the appellant that in view of Rule 22-(2) of the Orissa Motor Vehicles (Accidents Claims Tribunals) Rules, 1960, the claimant-appellant is entitled to exemption from payment of Court fee, which is to be finally adjusted against the awarded amount.

4. Considering such submissions, the Interlocutory Application is disposed of by exempting the appellant from payment of court fee. It is made clear that the court fee amount shall be adjusted against the awarded amount.

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5. Perused the office note dated 01.11.2023. The Stamp Reporter reports with regard to maintainability of the present appeal at the instance of a person who was not a party before the Claims Tribunal.

6. Learned counsel for the appellant on the other hand contended that the appellant is likely to be prejudiced by the award. Accordingly, it was submitted that as a person aggrieved can file an appeal under section 173 of the M.V.Act, 1989. This Court however keeping the question of maintainability of the present appeal is open, issue notice to the respondents by registered post with A.D. fixing a short returnable date. Requisites for issue of notice be filed within a week

7. It is further submitted by the learned counsel for the appellant that he has filed an Interlocutory Application praying for stay of disbursement of the awarded amount. Registry is directed to verify the same and list this matter day after tomorrow (24.11.2023) along with the I.A. stated to be filed by the learned counsel for the appellant.

(A.K. Mohapatra)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Reason: Authentication
Location: High Court of Orissa
Date: 28-Nov-2023 12:17:02

