

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1090 of 2023

Divisional Manager, M/s. National
Insurance Co. Ltd.

....

Appellants

Mr. N.K. Mishra, Advocate

-Versus-

Padmalaya Mishra and others

....

Respondents

Mr. B.N. Rath, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.01.2024

Order No.

01.

1. The statutory deposit of Rs.25,000/- received through account payee cheque dated 1st December, 2023 as at Flag-X from the appellant is directed to be invested and kept in a fixed deposit in the name of Registrar (Judicial) with any Nationalized Bank for a period of six months renewable from time to time for such further period.

(R.K.Pattanaik)
Judge

02

I.A. No.1978 of 2023

1. I.A is for extension of time to pay the deficit Court fee. Learned counsel for the appellant Insurance Company submits that deficit court fee of Rs.27,460/- has already paid in the meantime.

2. In view of the above, no further order is to be passed, hence, I.A stands disposed of.

(R.K.Pattanaik)
Judge

03.

I.A. No.1990 of 2023

1. Instant petition under Section 5 of the Limitation Act is filed for condonation of delay in filing of the appeal.

2. Heard learned counsel for the appellant Insurance Company and learned counsel for respondent Nos. 1 to 4. No notice has been issued to respondent No.5, namely, owner of the offending vehicle.

3. Recorded the objection of learned counsel for respondent Nos. 1 to 4. There has been delay of 90 days in filing of the appeal. Considering the grounds in the appeal memorandum on the delay and explanation offered by the appellant Insurance Company, the Court is inclined to condone the same in order to ensure the disposal of the appeal on merit.

4. Accordingly, it is ordered. I.A stands allowed. Consequently the delay of 90 days in filing of the appeal stands condoned.

(R.K.Pattanaik)
Judge

MACA No.1090 of 2023

4.

1. In view of the order in I.A. No.1990 of 2023, list the matter on 20th February, 2024 for final hearing and orders under Order 41 Rule11 CPC. A copy of the appeal memorandum is directed to be served on learned counsel for respondent Nos.1 to 4 within next working two days.

2. Notice as against respondent No.5 is dispensed with.

(R.K.Pattanaik)
Judge

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 16-Jan-2024, 11:48:59
Rojina

