

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 505 of 2015

(The Divisional Manager, New India Assurance Co. Ltd.

Vs. Pankaj Kumar & Anr.)

with

M.A. No. 178 of 2017

(Pankaj Kumar Vs. The Divisional Manager, New India

Assurance Co. Ltd. & Ors.)

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CORAM: - THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

In M.A. No. 505 of 2015

For the Appellant : Mr. G.C. Jha, Advocate

**For the Respondents : Mr. A.K. Lall, Advocate
Mr. J.M. Mishra, Advocate**

In M.A. No. 178 of 2017

For the Appellant : Mr. J.M. Mishra, Advocate

**For the Respondents : Mr. G.C. Jha, Advocate
Mr. A.K. Lall, Advocate**

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I.A. No. 5253 of 2017 (in M.A. No. 178 of 2017)

08/ 20.09.2022 Instant interlocutory application has been filed under Section 5 of the Limitation Act to condone delay of 529 days in filing the instant appeal.

Mr. G.C. Jha, learned counsel appearing for the respondent-Insurance Co. vehemently opposes the limitation petition and submit that the limitation of 529 days cannot be condoned, since no ground has been mentioned for condoning the said delay.

Mr. A.K. Lall, learned counsel appearing for the respondent-Owner has no objection if the limitation petition is allowed.

Having heard the parties and on being satisfied with the grounds shown in paras- 5 to 10 of the instant Interlocutory Application, the delay of 529 days in filing the instant appeal is hereby condoned.

Accordingly, I.A. No. 5253 of 2017 is hereby allowed.

M.A. No. 505 of 2015 with M.A. No. 178 of 2017

Heard the parties.

It is the specific case of the appellant-Insurance Co., as argued by Mr. G.C. Jha, learned counsel that admittedly the claimant was injured and there was 40% disability and rightly compensation has been granted but the Tribunal while passing the award has not considered that the Driver of the offending vehicle was not having valid license.

Mr. Jha submits that said contention finds strength from the written statement, however, LCR has not been called for.

In view of contention raised by Mr. Jha, this Court is inclined to call for the LCR to verify the contention raised by the appellant-Insurance Co. in the written statement.

The owner of the offending vehicle is also directed to come with driving license of the concerned driver, if any.

Put-up these case after ensuing Diwali holidays.

In the meantime, let the LCR be called for from the Court concerned.

(Dr. S.N. Pathak, J.)

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