

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 47 of 2023

Branch Manager, Royal Sundaram General
Insurance Co. Ltd. Dhanbad & Another Appellants
Versus
Priya Singh & Others Respondents

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellants : Mr. Ashutosh Anand, Advocate.
For the Respondents :

Order No. 04/Dated: 4th January, 2024

I.A. No. 21/2024

I.A. No. 21/2024 has been filed for stay of further proceedings in Certificate Case No. 11 (M.V.)/2022-23, pending in the court of learned District Certificate Officer, Bokaro.

Learned counsel for the appellants has produced a copy of Certificate of Insurance & Policy Schedule of the offending vehicle having Policy No. MOP5643802000100, which is taken on record.

Learned counsel for the appellants has further submitted that from perusal of aforesaid certificate, it appears the deceased was owner -cum-driver of the offending vehicle and the deceased has separately paid the premium for Personal Accident benefits, which covers to the extent of Rs. 15 lakhs. Therefore, the total awarded amount cannot be disbursed in this case, as the impugned award suffers from illegality and against the terms and conditions of the policy.

Learned counsel for the appellants has further submitted that appellants are ready to satisfy the awarded amount along with up-to-date interest before the concerned Executing Court with a prayer that only Rs. 15 Lakhs along with up-to-date interest may be released in favour of claimants and rest amount shall remain deposited before the Executing Court, subject to result of this appeal.

Learned counsel for the appellants has further submitted that in terms of order dated 12.12.2023, the learned District Certificate Officer, Bokaro has freezed the bank account of the appellant, as such, the bank account of the appellant may be unfreezed and the further proceedings in Certificate Case No. 11(M.V.)/2022-23 may be stayed.

From perusal of the Insurance Policy, it appears that premium for Personal Accident Benefits to the extent Rs. 15 lakhs has been deposited by the deceased and the deceased was owner-cum-driver of the offending vehicle.

In the above circumstances, I find prima facie substance in the argument of learned counsel for the appellants. Accordingly, I.A. No. 21/2024 stands disposed of with condition that appellants shall deposit total awarded amount with up-to-date interest before the learned Executing Court by way of two demand drafts i.e. one of Rs. 15 Lakhs along with up-to-date interest and another of rest amount and to this effect, appellants shall file an affidavit before this Court.

Out of total awarded amount, amount of Rs. 15 lakhs along with up-to-date interest shall be released in favour of the claimants by the learned Executing Court in accordance with law and rest amount shall be subject to the result of this appeal.

If the awarded amount along with interest is deposited before the learned Executing Court, the operation of order dated 12.12.2023 passed by the learned District Certificate Officer, Bokaro in Certificate Case No. 11(MV)/2022-23 shall remain stayed.

I.A. No. 39/2024

Let notice be issued upon the respondents, in the limitation matter, under registered cover with A/D as well as under ordinary process, for which requisites etc. must be filed within two weeks.

List this case immediately after receipt of service report.

(Pradeep Kumar Srivastava, J.)

Sunil/