

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 104 of 2017

The Oriental Insurance Company Ltd. & Anr. Appellants
Versus

Ram Prasad Das & Ors. Respondents

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

For the Appellants : Mr. Ganesh Chandra Jha, Advocate
For the Respondent No.1 : Mr. Ranjan Kumar Singh, Advocate
For the Respondent No.3 : Mr. Manoj Kumar Sah, Advocate

I.A. No. 1778 of 2017

7/ 07.09.2022 This interlocutory application has been filed for condonation of delay of 406 days in filing the present appeal.

Sufficient ground has been shown in paragraph nos. 3 to 7 of the interlocutory application.

Learned counsel for the respondents opposes the contention of learned counsel for the appellants and submits that there is inordinate delay in filing the present appeal and as such, it should be dismissed out-rightly on the ground of limitation.

Learned counsel for the appellants submits that the appellants have a good case on merit and as such, it would be appropriate for the ends of justice to hear the case on merits after condoning the delay.

In view of the submissions of the learned counsel for the parties, the delay in filing the appeal is condoned.

This interlocutory application stands allowed.

I.A. No. 8209 of 2022

This interlocutory application has been filed under Order 41 Rule 5 of the Code of Civil Procedure for stay of Title Execution Case No. 1/19 pending before the Court of 1st Addl. District and Sessions Judge, Godda, for realizing the awarded amount in MACT Case No. 11/2011.

It has been submitted by learned counsel for the appellants that an order of non-bailable warrant of arrest has been passed on 8.8.2022 by the learned Court below against the Branch Manager of Oriental Insurance Co. Ltd., Godda for not depositing the awarded amount. Learned counsel appearing for the insurance company submits that the insurance company is ready to deposit the entire awarded amount, subject to outcome of this appeal, as per order and direction of this Court. Accordingly, learned

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counsel submits that for the ends of justice, it would be appropriate to stay the Title Execution Case No. 1/19 pending before the learned Court below.

Learned counsel appearing for the respondents does not have objection for the same.

Accordingly, the appellant Insurance Company is directed to deposit the entire amount of compensation i.e. Rs. 5,28,652/- within a period of two weeks. Thereafter, the claimants are at liberty to withdraw 50% of the awarded amount after furnishing required documents before the Executing Court.

Further proceeding of Title Execution Case No. 1/19 pending before the Court of 1st Addl. District and Sessions Judge, Godda, arising out of MACT Case No. 11/2011, shall remain stayed, during the pendency of this appeal, subject to condition that the Insurance Company shall pay the entire amount of compensation, which shall be subject to outcome of this memo of appeal.

This interlocutory application stands allowed.

M.A. No. 104 of 2017

Put up this appeal after four weeks, awaiting appearance of respondent no.2.

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

R.Kr.