

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.126 of 2020

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The New India Assurance Co. Ltd., represented through its Dy. Manager and In-Charge, T.P. Claims Hub, Ranchi Appellant(s)

-Versus-

Kavita Devi & Ors. Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

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For the Appellant(s) : Mr. G.C. Jha, Adv.

For the Respondent Nos.1 to 5 : Mr. Ashok Kr. Singh, Adv.

For the Respondent Nos.6 & 7 : Mr. Arpit Kumar, Adv.

08/Dated: 30th August, 2024

I.A No.6625 of 2021

1. The present interlocutory application has been filed by the appellant-Insurance Company for staying the further proceeding in connection with Execution Case No.04 of 2021, pending before learned Presiding Officer, M.A.C.T, Hazaribagh.
2. It appears that it is a case of accidental death. The real dispute has been raised in the present miscellaneous appeal is regarding the liability of the owner of the offending vehicle. That aspect will be considered and decided at the time of final hearing of the case.
3. The payment to the claimant cannot be stayed on that ground. Accordingly, the prayer for staying the further proceeding in connection with Execution Case No.04 of 2021 is hereby, rejected.
4. The appellant-Insurance Company is directed to deposit the entire awarded amount in the Court below/Tribunal within a period of four weeks from today and that shall be disbursed in favour of the claimant(s). However, it is clarified that the amount, which has already been paid under Section 140 of the Motor Vehicles Act, 1988 shall be taken into consideration by the Tribunal.
5. Accordingly, the present interlocutory application stands disposed of with a direction to the appellate-Insurance Company to deposit the entire awarded amount within the aforesaid period and Executing Court will proceed after four weeks, if not deposited.

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1. Mr. Arpit Kumar, learned counsel for the respondent has submitted that the respondent No.6 i.e., owner of the vehicle has died on 22.05.2024 during the pendency of the present miscellaneous appeal.
2. Learned counsel for the appellant is directed to file substitution petition.
3. As prayed for, let this matter be listed after four weeks along with M.A No.464 of 2017.

(Rajesh Kumar, J.)

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