

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 201 of 2024

(with I.A. Nos. 5249/2024 & 5250/2024)

New India Assurance Co. Ltd Deoghar Branch ... Appellant

Versus

Manoj Sah and others Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellant: Mr Alok Lal, Advocate
For Resp. No.1: Mr Rishav Kumar, Advocate
Mr Ajay Kumar Sah, Advocate

08/Dated: 17.04.2026

1. Mr Alok Lal, learned counsel for the applicant/appellant, on instructions, submits that the 3rd respondent, i.e. the rider of the motorcycle, may be deleted, since he is not a necessary or a proper party in this matter.
2. At the risk & consequences of the applicant/appellant, deletion is allowed.
3. Necessary amendment to be carried out forthwith.
4. Mr Lal, the learned counsel for the Insurance Company, further submits that this appeal is restricted to seeking 'pay & recovery order" against the 2nd respondent, i.e. the owner of the insured vehicle.
5. Mr Lal contends that the rider of the insured vehicle in this case did not possess a valid and effective driving licence for riding a motorcycle. Accordingly, he submits that the 2nd respondent should have been held liable for payment of the compensation amount or, in any event, at least a 'pay & recovery order' should have been made in this matter.
6. Accordingly, issue fresh notice to the 2nd respondent, returnable on 8th of May 2026.

7. Immediate steps should be taken by the appellant-Insurance Company to serve the 2nd respondent, who would be a necessary party, given the contention now raised.
8. At the same time, since the appeal is restricted to seeking 'pay & recovery order', the amount now deposited by the Insurance Company before this Court can be withdrawn by the 1st respondent-Claimant. Leave is granted for this purpose. The 1st respondent must furnish identity and bank details, so that the Registry can directly transfer this amount to the 1st respondent's bank account. The amount should be transferred through the regular banking channels and not otherwise.
9. Stand over to 8th of May 2026.
10. Mr. Alok Lal states that the awarded amount has been deposited in this Court vide UTR No. AXOBR10621716906.

(M. S. Sonak, C.J.)

April 17, 2026

Manoj/ Sharda/Cp.0