

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. Nos.7165 of 2018 & 9127 of 2017
in
Misc. Appeal No.679 of 2017

New India Assurance Co. Ltd.		Appellant
Versus		
Shanti Devi & Others		Respondents

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Appellant	:	Mr. Alok Lal, Advocate
For the Respondents	:	

06/ Dated : 18th September, 2018

I.A. No.9127 of 2017

- 1.** This interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 37 days in preferring the present appeal.
- 2.** Learned counsel appearing on behalf of respondents-claimants has not raised any serious objection.
- 3.** It transpires from the office note that notice has been issued as against the respondent-claimant No.3, i.e., the owner of the vehicle.
- 4.** Heard. In view of the reasons assigned in para Nos.6 to 12, sufficient cause and reasonable explanation is made out and accordingly, the delay is condoned.
- 5.** I.A. No.9127 of 2017 stands allowed.

I.A. No.7165 of 2018

- 6.** This interlocutory application has been filed under Section 151 of the Code of Civil Procedure by the respondents-claimants with a prayer for disbursement of the awarded compensation which has been deposited by the appellant-insurer in compliance of order dated 26.03.2018.
- 7.** It is submitted that till date not a single farthing has been paid to the respondents-claimants.
- 8.** Heard. The appellant-insurer shall deposit a fresh cheque of Rs.12,00,000/- by 2nd November, 2018 in the court below and the Court below shall return the cheque earlier deposited to the appellant-insurer.

2.

The amount of Rs.12,00,000/- if deposited shall be disbursed in favour of the respondents-claimants on proper identification and on their furnishing an undertaking which the court below deems fit and proper to impose.

9. I.A. No.7165 of 2018 stands disposed off.

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10. Awaiting appearance of respondent No.3, office to list this case on **7th December, 2018** under the heading **For Admission.**

11. Let a copy of this order be handed over to the learned counsel of the appellants for needful.

(Amitav K. Gupta, J.)