

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 254 of 2020

Branch Manager, National Insurance Company Limited, Ranchi
.... Appellant
Versus
Golhar Bibi & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Asghar, Advocate
 : Mr. Manish Kumar, Advocate
For the Respondent : Mr. Tarun Kr. Mahato, Advocate

Order No.05 Dated- 10.07.2023

I.A. No.4974 of 2020

Heard the parties.

This interlocutory application has been filed with a prayer to condone the delay of 190 days in filing this appeal.

It is submitted by the learned counsel for the appellant that after passing of the impugned judgment and award, the appellant took some time in taking the decision for filing this appeal and Covid-19 Pandemic and the consequential lockdown was also a relevant factor in causing delay in filing this appeal. It is further submitted by the learned counsel for the appellant that the appellant has very good grounds to agitate in this appeal and the delay was neither intentional nor deliberate and unless the delay of 190 days is condoned, the appellant will be highly prejudiced.

Learned counsel for the respondent no.3 has no serious objection to the prayer to condone the delay in filing this appeal.

Considering the aforesaid facts, the delay of 190 days in filing this appeal is condoned.

This interlocutory application stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

I.A. No.5820 of 2022

No one turns up on behalf of the respondent nos.1 and 2 in spite of repeated calls.

Accordingly, this interlocutory application is rejected as not pressed.

(Anil Kumar Choudhary, J.)

M.A. No. 254 of 2020

This appeal will be heard.

Admit.

Call for the Lower Court Records.

Issue notice to the respondent nos.1 and 2.

Mr. Tarun Kumar Mahato, Advocate receives notice of the appeal on behalf of the respondent no.3.

The appellant is directed to file requisites for service of notice on the respondent nos.1 and 2 by registered post with A/D as well as under ordinary process within four weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

Learned counsel for the appellant undertakes to submit a copy of the memo of appeal to the respondent no.3 within one week and file the proof of the same, failing which this appeal shall stand dismissed without further reference to the Bench.

In case, the proof of supplying the copy of the memo of appeal by the appellant to the respondent no.3 is filed, list this appeal after receipt of the service report of the notice issued to the respondent nos.1 and 2.

(Anil Kumar Choudhary, J.)

I.A. No.139 of 2021

Heard the parties.

The learned counsel for the appellant submits that this

Interlocutory Application has been filed with a prayer to stay the further proceedings of Certificate Case No.08/19-20 pending before the Certificate Officer-cum-Sub Divisional Officer, Pakur arising out of award dated 29.11.2019 passed by District Judge-II-cum-Motor Accident Claim Tribunal, Pakur in Motor Vehicle Accident Claim Case No. 18 of 2018. It is next submitted by the learned counsel for the appellant that the appellant was directed to pay a sum of Rs.30,94,000/- to the applicants with interest thereon @ 6% per annum from the date of filing of the case in Motor Vehicle Accident Claim Case No. 18 of 2018 passed by the District Judge-II-cum-Motor Accident Claim Tribunal, Pakur. It is next submitted by the learned counsel for the appellant that the appellant is ready and willing to deposit Rs.30,94,000/- with simple interest @ 6% per annum from the date of filing of the case to till date of deposit with the Certificate Officer-cum-Sub Divisional Officer, Pakur. Hence, it is submitted that the further proceedings of the Certificate Case No.08/19-20 pending before the Certificate Officer-cum-Sub Divisional Officer, Pakur be stayed.

Considering the facts and circumstances of this case, it is ordered that the proceeding of Certificate Case No.08/19-20 pending before the Certificate Officer-cum-Sub Divisional Officer, Pakur shall remain stayed, if and when, the appellant deposits Rs.30,94,000/- with simple interest @ 6% per annum from the date of filing of the case to till its realization with the Certificate Officer-cum-Sub Divisional Officer, Pakur, less the amount, if any, already paid by the insurance company under Section 140 of Motor Vehicle Act, in Certificate Case No.08/19-20 pending before the Certificate Officer-cum-Sub Divisional Officer, Pakur.

It is made clear that the Certificate Officer-cum-Sub Divisional Officer, Pakur shall proceed with the Certificate Case No.08/19-20 diligently, without being prejudiced by this order, unless and until the said amount of Rs.30,94,000/- with simple interest @ 6% per annum from the date of filing of the case to till its deposit, less the amount, if

any, paid under Section 140 of Motor Vehicle Act by the insurance company, is deposited with the Certificate Officer-cum-Sub Divisional Officer, Pakur.

This Interlocutory Application stands disposed of accordingly.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)