

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 435 of 2025

Mukesh Kumar Agarwal, Aged about 45 years, Son of Makhanlal Agarwal, resident of Old Ranchi Road, P.O. and P.S. Chakradharpur, District- West Singhbhum.

... Opposite Party No.2/Appellant

Versus

1. Kiran Tigga, aged 38 years, wife of Late Birsa Sundi,
2. Minor Himanshu Sundi, aged 11 years, Son of Late Birsa Sundi,
3. Minor Nikhil Sundi, aged 13 years, Son of Late Birsa Sundi,
4. Jema Kui, aged 73 years, W/o Madhu Sudan Sundi,
5. Madhu Sudan Sundi, aged 74 years, (father of deceased),

... .. Applicants/Respondents

6. IFFKO-TOKIO General Insurance Company Limited, Office Nos. S-II, First Floor, Holding No.4, Bumbra Enclave, Diagonal Point Road, Bistupur, P.O. and P.S. Bistupur, Jamshedpur, District – East Singhbhum, Jharkhand-831001 (Insurer of the offending Hyva No. CG-13LA-4590).

... Opposite Party No.1/Respondent

7. Mangal Singh Bodra, Son of Turi Bodra, resident of Jonko, P.O. Nakti, P.S. Karaikela, District – West Singhbhum.

... .. Opposite Party No.3/Respondent

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellant: Mr. V.P. Singh, Sr. Advocate
Mr. S.L. Agarwal, Advocate
Ms. Ayushi, Advocate

For the Ins. Company: None

06/Dated: 27.02.2026

I.A. No. 8366 of 2025

1. Heard the learned counsel for the appellant.
2. Notice was ordered mainly on the 6th respondent i.e. the Insurance Company. The records indicate that notice has been served upon the Insurance Company.
3. This I.A. seeks condonation of delay of 889 days in instituting this appeal.

4. At the outset, the learned counsel for the appellant has submitted that the appellant is an individual, but still, to show his bona fides, will deposit in this Court an amount of Rs.10.00 Lakh on or before 2nd of April 2026.
5. This statement is accepted.
6. The matter is now posted on 10th of April 2026, by giving the Insurance Company an additional opportunity to appear in this matter.
7. The learned counsel for the applicant states that the Insurance Company has filed an Execution Petition and the same is being pursued before the Executing Court.
8. Upto the 10th of April 2026, the Executing Court is directed not to proceed with the execution. This is based on the solemn statement made before this Court that an amount of Rs.10.00 lakhs would be deposited by 2nd of April 2026.
9. Before the next date if it is found that the solemn statement has been breached, then, appropriate orders will be passed and the execution will be allowed to proceed.
10. It is also necessary to note that the delay in this case is *prima facie* inordinate, but only on account of the submission that the applicant is an individual and to show his bona fides will deposit an amount of Rs.10.00 lakhs, the above indulgence is being extended to the applicant.

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

February 27, 2026

Manoj/Madhav/Cp.2