

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M. A. No. 561 of 2018

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National Insurance Company Limited, N. H.-33, Hazaribag, P.O., P.S. & District- Hazaribag, Jharkhand -825301, Registered Office- Middletown Street, Post Box No.9229, Kolkata -700071 (West Bengal), through its Jharkhand Legal Cell, Kutchery Road, P.O. Ranchi University, P.S. Kotwali, District -Ranchi. Appellant

Versus

1. Soni Devi, wife of Late Krishna Choudhary.
2. Vivek Kumar Choudhary (minor), son of Late Krishna Choudhary.
3. Niraj Kumar Choudhary (Minor), son of Late Krishna Choudhary.
Respondent No.2 & 3, being minor represented through their mother and natural Guardian, Soni Devi, Respondent No.1.
All are resident of Ward No.4, Lal Bungalow, Chopdar Baliya (Panchayat), Gossaibalia, Barkagaon, P.O. & P.S.- Barkagaon, District – Hazaribag, Jharkhand-825311.
4. Md. Basir Ahmad, son of Rafique Ahmad, Resident of Gaon Chopda Baliya, Barkagaon, P.O. & P.S.-Barkagaon, District- Hazaribag, Jharkhand, Pin Code-825301 (Owner of Bus No. JH-02H-4230).
5. Md. Shakil, son of Basir Ahmad, Resident of Chopdar Balia, Gasai Balia, Barkagaon, P.O. & P.S. Barkagaon, District – Hazaribag, Jharkhand. Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

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For the Appellant	:Mr. Manish Kumar, Advocate.
For the Respondents	:

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04 /28.09.2019. Heard, learned counsel for the appellant, Mr. Manish Kumar.

The Miscellaneous Appeal has been preferred against award dated 03.04.2018 in Claim Case No. 47 of 2014 passed by learned Presiding Officer, Motor Vehicle Accident Claims Tribunal (M.V.A.C.T.), Hazaribag whereby claimants namely, Soni Devi, wife of Late Krishna Choudhary, Vivek Kumar Choudhary (minor), son of Late Krishna Choudhary and Niraj Kumar Choudhary (Minor), son of Late Krishna Choudhary, resident of Ward No.4, Lal Bungalow, Chopdar Baliya (Panchayat), Gossaibalia, Barkagaon, P.O. & P.S.- Barkagaon, District – Hazaribag, Jharkhand-825311 have been awarded compensation to the tune of Rs.4,54,000/- along with interest @ 6% per annum from the date of framing of the issue i.e. 20.07.2016 within a period of 30 days otherwise interest @ 9% per annum shall be charged.

Learned counsel for the appellant has fairly submitted that there is delay of 60 days in preferring the appeal for which I.A. No.8443 of 2018 has been preferred. Learned counsel for the appellant has submitted that I. A. No.6554 of

2019 has been preferred for stay of the Execution Case No.14 of 2019 during pendency of the appeal.

Heard, learned counsel for the appellant and perused the materials brought on record.

Let notice be issued to Md. Basir Ahmad, son of Rafique Ahmad, Resident of Gaon Chopda Baliya, Barkagaon, P.O. & P.S.-Barkagaon, District-Hazaribag, Jharkhand, Pin Code-825301 (Owner of Bus No. JH-02H-4230) under both process i.e. under registered cover with A/D as well as under ordinary process in the matter of limitation as well as memo of appeal, for which requisites must be filed by 18.10.2019.

If the appellant deposit the entire amount along with interest @ 9% per annum as awarded by the learned Trial Court from the date of framing of the issue dated 20.07.2016 by 20.11.2019, the Executing Court shall not proceed in Execution Case No.14 of 2019 failing which the Executing Court is directed to proceed in accordance with law. The amount shall be disbursed to the claimants after due notice and verification of the claimants.

Accordingly, I. A. No.6554 of 2019 stand disposed of.

Put up this case after receipt of service of notice upon the respondent.

(Kailash Prasad Deo, J.)