

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

.....
National Insurance Company Ltd. Appellant
Versus
Soni Devi & Others Respondents
With
M.A. No. 787 of 2018

.....
Soni Devi & Others Appellants
Versus
Md. Basir Ahmad & Others Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

.....
For the Appellant : Mr. Manish Kumar, Advocate.
For the Respondents :
(in M.A. No.561/18)
For the Appellants : Mr. Nehru Mahto, Advocate.
For the Respondents :
(in M.A. No.787/18)

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05/27.08.2021.

National Insurance Company Ltd. as well as claimants have preferred separate appeals against the same impugned award, but copy has not been exchanged between the parties.

Under the aforesaid circumstances, National Insurance Company Ltd. is directed to serve two copies of memo of appeal and limitation petition upon, Mr. Nehru Mahto, who will appear on behalf of the claimants in M.A. No.561/18 and in reverse learned counsel for the claimants, Mr. Nehru Mahto shall serve two copies of memo of appeal and limitation petition upon Mr. Manish Kumar, who will appear on behalf of the Insurance Company in M. A. No.787/18.

Learned counsel for the claimants, Mr. Nehru Mahto has submitted that he undertakes to accept notice on behalf of the claimants in M.A. No.561/18.

It appears that though the notice has been issued to the owner of the offending vehicle namely, 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), which was duly served upon him

as the same has been received by his daughter namely, Tabasum Ara on 02.01.2020, but he has not appeared before this Court.

Under the aforesaid circumstances, let bailable warrant of arrest of Rs.5,000/- with two sureties be issued against the owner for securing his appearance in these two Miscellaneous Appeals.

The Superintendent of Police, Hazaribag is directed to execute bailable warrant of arrest of Rs.5,000/- with two sureties upon the owner namely, 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), after ascertaining the address, if requires, from the D.T.O., Hazaribag as because of his non-appearance, both the appeals are pending.

The Officer-In-Charge, Barkagaun Police Station, Hazaribag after executing bailable warrant of arrest upon owner must file an affidavit before this Court at the earliest.

Put up these cases after service report of bailable warrant of arrest.

In the meantime, parties are directed to exchange their pleadings.

Let the name of learned counsel, Mr. Nehru Mahto be reflected in the cause list in M.A. No.561/18 as counsel for respondents / claimants and the name of learned counsel, Mr. Manish Kumar be also reflected in the cause list in M.A.No.787/18 as counsel for the National Insurance Company Limited.

(Kailash Prasad Deo, J.)

Jay/-