

IN THE HIGH COURT OF JHARKHAND AT RANCHI

MA No.561 of 2018

National Insurance Company Ltd. Appellant
Versus

Soni Devi & Ors. Respondents

With

MA No.787 of 2018

Soni Devi & Ors. Appellants
Versus

Md. Basir Ahmad & Ors. Respondents

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Appellants : Mr. Manish Kumar, Advocate
For the Respondents : Mr. Nehru Mahto, Advocate

08/21.02.2024 **MA No.561 of 2018**

Learned counsel for the appellants Mr. Manish Kumar and on behalf of respondent no.1 to 3 learned counsel Mr. Nehru Mahto are present.

It transpires from the record that the notice was validly served to respondent no.4 but no one appears on behalf of respondent no.4 and the bailable warrant was also issued against the respondent no.4 vide order dated 27.08.2021. The same has not been executed till date by the officer in-charge of Barkagaon Police Station Hazaribag.

However taking into consideration the dispute between the appellant and respondent no.4 in this appeal there is no need of execution of the said bailable warrant since the notice has already been served to him and no one has been appearing on his behalf, **this appeal will proceed against him *ex-parte*.**

Learned counsel for the appellant has submitted that he has preferred this appeal assailing the impugned award on the ground of liability which could not have been fastened to the insurance company because the offending vehicle was being plied in violation of terms and conditions of insurance company.

In view of the submissions made, this Appeal is **admitted**.

LCR has already been received.

List for hearing on 24.04.2024.

(Subhash Chand, J.)