

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Miscellaneous Appellate Jurisdiction]

M.A. No. 573 of 2018

Nawab Ali Appellant(s)
Versus
Abdul Jalil & Ors. Respondent(s)
With

M.A. No. 574 of 2018

Nawab Ali Appellant(s)
Versus
Md. Shamsul Ansari & Ors. Respondent(s)

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

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For the Appellant(s) : Mr. Afaq Ahmed, Advocate.
For the Respondent(s) : Ms. Swati Shalini, Advocate
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07 / 18.08.2021. As prayed for, by learned counsel, Ms. Swati Shalini on the instruction of learned counsel for the respondent- I.C.I.C.I. Lombard General Insurance Company Ltd., Mr. Amit Kumar Das, put up these cases in the month of September, 2021 so as to comply the order dated 08.07.2020 passed by this Court.

However, it is made clear that if no counter-affidavit is filed by the next date in compliance of the order dated 08.07.2020 passed by this Court, this Court will take it as a serious view of the matter against the respondent- I.C.I.C.I. Lombard General Insurance Company Ltd. in delaying the disposal of Miscellaneous Appeals.

(Kailash Prasad Deo, J.)

Sandeep/

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Miscellaneous Appellate Jurisdiction]

M.A. No. 631 of 2019

M/s Amitabh Construction Pvt. Ltd. Appellant(s)
Versus

1.Hemlata Devi
2.Ankit Kumar (minor)
3.Narayan Mahto Respondent(s)

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

For the Appellant(s) : Mr. Nikhil Ranjan, Advocate.
M/s Saumya Pandey, Advocate

For the Respondent(s) :

03 / 18.08.2021. Heard, learned counsel for the appellant, Mr. Nikhil Ranjan.

Learned counsel for the appellant, Mr. Nikhil Ranjan has submitted that the appellant- Owner of the offending vehicle, bearing Registration No.JH-12D-8698 has preferred this Miscellaneous Appeal on the ground that the claimant had preferred claim application without impleading the Insurance Company as party-respondent.

Learned counsel for the appellant, Mr. Nikhil Ranjan has further submitted that the appellant- Owner of the offending vehicle has appeared before the learned Tribunal and has taken a plea that the alleged offending vehicle, Tipper Haiwa was duly insured before HDFC Agro General Insurance Co. Ltd. on the alleged date of accident i.e. 25.06.2013, but the claimants have not impleaded the Insurance Company as party nor the learned Tribunal has passed any order. In this regard, learned counsel for the appellant, Mr. Nikhil Ranjan has further submitted that the liability which has been fastened upon the owner is unnecessary liability as the vehicle was duly insured and the suit was fit to be dismissed for non-joinder and misjoinder of necessary party, but in benevolent legislation, the learned Tribunal has passed the award by fastening the liability upon the owner of the offending vehicle.

Learned counsel for the appellant, Mr. Nikhil Ranjan has further submitted that in the said occurrence another person also died and claimant(s) have preferred MACC No.132 of 2013 at MACT, Hazaribagh where the HDFC Agro General Insurance Co. Ltd. was impleaded as a party, as such, this Court may allow the appellant/owner to file an interlocutory application to implead HDFC Agro General Insurance Co. Ltd. as party-respondent in this Appeal.

Considering the same, put up this case in the Month of September, 2021.