

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M. A. No. 300 of 2023

1. Mangari Devi aged about 41 Years W/o Nirmal Mahto
2. Nirmal Mahto aged about 54 years S/o Late Sohar Mahto,
3. Shanti Kumari aged about 24 Years D/o Nirmal Mahto
All are Resident of Village- Basadih, P.O.- Jarba, P.S.- Mandu, District-
Hazaribag ... Appellants

Versus

1. M/s Sriyam Carriers U/C D.K. Awasthi. At-G-2 Site No. 3, Panki Industrial Area, P.O. & P.S.- Panki, Distt- Kanpur (U.P.), (Owner of Container No. UP-78BT-2792)
2. The Branch Manager, Cholamandalam M/s General Industries Co. Ltd., Kanpur, (U.P) Cover Note No. 55718985, Period of insurance 27.07.2014 to 28.07.2015 Through The Branch Manager Cholamandalam M/s General Insurance Co. Ltd., Flat No. 306-IIInd Floor, Shri Krishna Mathura complex, circular Road, P.O- GPO P.S. Kothwali Distt-Ranchi-834001. (Insurer of Container No. Up-78BT-2792)
3. M/s Esskay Carriers, E-12A panki Industrial Area, P.O. & P.S. & Dist Kanpur. (Uttar Pradesh)-208001 (Owner of Container No. UP-78BT-4720)
4. The New India Assurance Co. Ltd., Kanpur, D.O.I (Sarvodaya nagar) B-11, 117/118, Sarvodaya Nagar, Kanpur, (UP)-208005 [Policy no.42010031140100005890 period cover dated 08.08.2014 to 07.08.2015] Through: The New India Assurance Co. Ltd., Hazaribag, lepo Road, Hazaribagh. (Insurer of Container No. UP-78BT-4720)
5. Balwan Kushwaha S/o Mulchand Kushwaha. R/o Village-Bhawsana PO & P.S -Chaubeypur District- Kanpur (U.P.) (Driver of container No. UP-78BT-4720)
6. Bimal Kumar S/o Ramesh Chandra. R/o Village- Suriya, P.O & P.S.- Surajpur, District- Kanpur (U.P). (Driver of Container No. UP-78BT-4720). ... Respondents

With

Cross Objection No. 7 of 2025

New India Assurance Co. Ltd., Kanpur, D.O.I (Sarvodaya nagar) B-11, 117/118, Sarvodaya Nagar, P.O. & P.S. Sarvodaya Nagar, Kanpur, State-Uttar Pradesh -208005 Through: The New India Assurance Co. Ltd. Hazaribag, Lepo Road, P.O. & P.S. & District:- Hazaribagh represented through its duly authorized signatory namely, Pawan Paswan (aged about 57 years) s/o Sri Ram Chandra Paswan, posted as Manager (Incharge), New India Assurance Co. Ltd., T.P. Hub, P. P. Compound, P.O. GPO, P.S. Hindpiri, Ranchi. (Insurer of Container No. UP-78BT-4720)

.... Cross Objector

-Versus-

1. Mangari Devi W/o Late Nirmal Mahto
2. Nirmal Mahto S/ o Late Sohar Mahto
3. Shanti Kumari D/o Late Nirmal Mahto,
All are Residents of Village Basadih, P.O. Jarba, P.S.- Mandu, District- Hazaribagh

4. M/s Sriyam Carriers U/C D.K. Awasthi; Address:- At-G-2 Site No. 3, Panki Industrial Area, P.O. & P.S.-Panki Industrial Area, District-Kanpur, State: Uttar Pradesh.
(Owner of Container No. UP-78BT-2792)
5. The Branch Manager, Cholamandalam M/s General Industries Co. Ltd., Kanpur, (U.P) Through The Branch Manager Cholamandalam M/s General Insurance Co. Ltd., Address: Flat No. 306-IIInd Floor, Shri Krishna Mathura Complex, Circular Road, P.O & P.S. Lalpur, District- Ranchi-834001. (Insurer of Container No. UP-78BT-2792)
6. M/s Esskay Carriers, Address: E-12A Panki Industrial Area, P.O. & P.S. Panki Industrial Area, Kanpur, State: Uttar Pradesh-208001
(Owner of Container No. UP-78BT-4720)
7. Balwan Kushwaha S/o Mulchand Kushwaha, Resident of Village-Bhawsana, P.O. & P.S. Chaubeypur, District-Kanpur, State:- Uttar Pradesh.
(Driver of container No. UP-78BT-2792)
8. Bimal Kumar S/o Ramesh Chandra, Resident of :-Village Suriya, P.O & P.S. Surajpur, District-Kanpur, State:- Uttar Pradesh
(Driver of Container No. UP-78BT-4720)

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellants : Mr. Nikhil Ranjan, Advocate
For Resp. No.4 : Mr. Pratyush Kumar, Advocate

08/Dated: 08.05.2026

1. Heard learned counsel for the parties.
2. Mr Pratyush Kumar, the learned counsel for the New India Assurance Company Limited states that the Insurance Company has filed Cross Objection No. 7 of 2025 in this appeal. He points out that the grievance of the cross objector is that Cholamandalam MS General Insurance Company Limited, another Insurance Company, should have been made liable for payment of the compensation awarded by the impugned Award. He clarifies that the impugned Award apportions the liability amongst the two insurance companies in equal proportions. The cross objector's case is that no liability should have been foisted on the cross objector and the entire compensation should have been made payable by Cholamandalam MS General Insurance Company Limited.

3. The learned counsel for the cross objector states that the compensation amount would be deposited in this Court in the course of the day.
4. Registry should accept such deposit.
5. Since the dispute is between the cross objector-Insurance Company and Cholamandalam MS General Insurance Company Limited, there is no reason why this amount should not be paid to the claimants. If the cross objector succeed, then the entire liability can perhaps be foisted on Cholamandalam MS General Insurance Company Limited. If the cross objector fails, then, there may be no reason to interfere with the impugned Award at the behest of the cross objectors.
6. The claimants have filed a substantive appeal seeking enhancement of compensation which will have to be considered on its own merits. However, till then, there is no reason why the claimants should be deprived of the compensation awarded to them merely because there is a dispute between two insurance companies as to the apportionment of the liability.
7. Registry to transfer the deposited amount to the claimants upon providing their identity and bank details and under no circumstances, the compensation amount should be paid to the claimants other than the banking channels.
8. The appeal is admitted.
9. The cross objection will be heard along with the appeal.
10. Call for records and proceedings of the trial court, if not already received.

11. Since, a statement is made that the amount of compensation is being deposited today itself, the execution proceedings, insofar as they concern the cross objector, are stayed.

12. Place the appeal and the cross-objection for final hearing on 10th July, 2026 high on board.

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

08.05.2026

APK/VK