

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Miscellaneous Appellate Jurisdiction)

M.A. No. 681 of 2018

.....
The New India Assurance Company Ltd. Appellant
Versus
Shushma Devi & Others Respondents
.....

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

.....
For the Appellant(s) : Mr. G.C. Jha, Advocate
For the Respondents/claimants : Mr. S.K. Murthy, Advocate

The matter is being taken up through Video Conferencing. Learned counsel for the parties have no objection with it and submitted that audio and video qualities are good.

05/ Dated: 05/05/2023

Heard, learned counsel for the appellant, Mr. G.C. Jha and learned counsel for the respondents, Mr. S.K. Murthy.

Learned counsel for the appellant, Mr. G.C. Jha has submitted that in compliance of order dated 26.09.2022 passed by co-ordinate Bench of this Court, the notice has been issued upon respondent no.7 (Pushpa Devi, W/o Ram Bahadur Singh, R/o SC 11/B Quarter No.3-163, Bokaro Steel City, P.O. and P.S. Bokaro, District Bokaro, Jharkhand (owner of Truck No.JH-09P-3693). The notice was initially tried to be served 10.11.2022 when daughter-in-law of the respondent no.7 was informed along with her son, again on 17.12.2022 the notice was tried to be served upon his second son namely, Lalan Kumar Singh, but he refused to accept the same. Thereafter the notice was affixed on the door of the house, as such, it may be considered to be validly served.

Learned counsel for the Insurance Company, Mr. G.C. Jha has submitted that the claimants have appeared, but till date they have not filed any cross-objection or any enhancement appeal.

Learned counsel for the respondents/claimants, Mr. S.K. Murthy accepts that till date no any cross-objection or any enhancement appeal has been filed.

Considering the same, notice upon respondent no.7 is being considered to be validly served.

This Court directs to issue the bailable warrant of arrest of Rs.5,000/-

with two sureties against the respondent no.7 namely, Pushpa Devi (owner of the offending vehicle i.e. Truck bearing Registration No.JH 09P-3693) to be executed through the Officer-in-charge/Station House Officer of the concerned Police Station to secure the attendance of owner of the offending vehicle.

The learned Registrar General of this Court is directed to ensure compliance of the order through the Senior Superintendent of Police, Bokaro.

This order is being passed to secure attendance of respondent no.7- Pushpa Devi as the accident is of dated 03.04.2015 and the instant Miscellaneous Appeal is pending since 2018 for appearance of the owner.

Put up this case on 14.06.2023.

Let a copy of this order be communicated to the Senior Superintendent of Police, Bokaro through FAX/e-mail at once.

Let a copy of this order be handed-over to the learned Registrar General of this Court.

(Kailash Prasad Deo, J.)