

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M.A. No. 681 of 2018

The New India Assurance Company Limited Appellant
Versus
Sushma Devi & Ors. Respondents

CORAM : HON'BLE MR. JUSTICE KAILASH PRASAD DEO

For the Appellant : Mr. G.C. Jha, Advocate
For the Respondent Nos. 1 to 6 : Mr. P.K. Mukhopadhyay, Advocate
For the Respondent No.7 : Dr. P.C. Sinha, 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.

Order No.06 /Dated: 14th June, 2023

Dr. P.C. Sinha, learned counsel appearing on behalf of the respondent No.7, namely, Pushpa Devi, owner of the truck bearing registration No.JH-09P-3693 has submitted that he will file counter affidavit in this matter.

Mr. G.C. Jha, learned counsel appearing on behalf of the appellant/ Insurance Company has submitted that the impugned award has been assailed by the Insurance Company on the ground that application under Section 166 of the Motor Vehicles Act, 1988 was not maintainable as the driver of the vehicle bearing registration No. JH-09P-3693 has died because of his own negligence and the police has submitted charge-sheet under Sections 279 and 304(A) of the Indian Penal Code against the deceased driver, namely, Ram Lakhan Goswami in connection with Chandramandi P.S. Case No. 27 of 2015.

On instruction of Mr. S.K. Murty, learned counsel for the respondent Nos. 1 to 6/claimants, Mr. P.K. Mukhopadhyay, learned counsel has submitted that he will also file counter-affidavit within a week.

Let counter-affidavit be filed by the respondent No.1 to 6 and 7 by 26.06.2023, failing which, counter affidavit shall not be accepted by the Registry as the instant Miscellaneous Appeal is pending since 2018.

Put up this case on 27.06.2023.

It is made clear that no further adjournment shall be granted on the next date.

(Kailash Prasad Deo, J.)