

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Miscellaneous Appellate Jurisdiction)

M.A. No. 686 of 2018

The Divisional Manager, National Insurance Company Limited & Anr.

..... Appellants

Versus

Rohit Kumar Mahto & Anr.

.... Respondents

CORAM : HON'BLE MR. JUSTICE KAILASH PRASAD DEO

For the Appellants : Mr. Sanjeet Kumar, Advocate

For the Respondent No.1 : Mr. Rajiv Kumar Shekhar, 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.07/Dated: 5th May, 2023

I.A. No. 11201 of 2022

Mr. Sanjeet Kumar, learned counsel on instruction of Mr. Pratyush Kumar, learned counsel for the appellants has submitted that in terms of orders dated 20.09.2021 and 10.10.2022 passed by the Co-ordinate Benches of this Court, notice has been issued upon the owner of the offending vehicle.

It appears that respondent No.2, namely, Rabindra Choubey, son of not known, S.O.M. Colliery Manager, at Khas Mahal Colliery, P.O. Gandhi Nagar, P.S. Gandhi Nagar, District Bokaro, Jharkhand, who is the owner and driver of Maruti Car bearing registration No. BR-1K-8020 was transferred to Birsa Colliery, C.C.L. And, as such, I.A. No. 11201 of 2022 has been filed for taking steps for substituted service of notice by the appellant- National Insurance Company Limited though the claimant has already appeared through his counsel Mr. Rajiv Kumar Shekhar, learned counsel but till date he has not filed any cross objection or any enhancement appeal.

Mr. Rajiv Kumar Shekhar, learned counsel appearing on behalf of the respondent-claimant has accepted that the same and submitted that no cross objection or enhancement appeal has been filed till date.

It appears that the matter is pending for appearance of the owner of the offending vehicle, as such, prayer for substituted service of notice is allowed.

The learned counsel for the appellant is directed to take steps for substituted service of notice and submit draft of notice before the Registry within two weeks.

Office is directed to process the same.

Learned counsel for the appellants is directed to file supplementary

affidavit with regard to the substituted service of notice.

Accordingly, I.A. No. 11201 of 2022 is allowed.

M.A. No. 686 of 2018

Put up this case 16.06.2023.

(Kailash Prasad Deo, J.)

Madhav/-