

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 686 of 2018

The Divisional Manager, National Insurance Company Limited,
Kolkata & Anr. Appellants

Versus

Rohit Kumar Mahto & Anr. Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Pratyush Kumar, Advocate
For the Respondent : None

Order No.08 Dated- 03.07.2023

I.A. No.1036 of 2020

This interlocutory application has been filed with a prayer to condone the delay of 2 days in filing this appeal.

Though notice has been validly served upon the respondents yet no one turns up on behalf of the respondents in-spite of repeated calls.

It is submitted by the learned counsel for the appellants that sometime was consumed by the regional office for obtaining the approval from the competent authority for filing the appeal. It is further submitted by the learned counsel for the appellants that the appellants have very good grounds to agitate in this appeal and the delay was neither intentional nor deliberate and unless the delay of 2 days is condoned, the appellants will be highly prejudiced.

Considering the aforesaid facts, the delay of 2 days in filing this appeal is condoned.

This interlocutory application stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

M.A. No. 686 of 2018

This appeal will be heard.

Admit.

Call for the Lower Court Records.

Issue notice to the respondents.

The appellants are directed to file requisites for service of notice

on the respondents by registered post with A/D as well as under ordinary process within two weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this appeal after receipt of the service report of the notice issued to the respondents.

(Anil Kumar Choudhary, J.)

I.A. No.11317 of 2022

The learned counsel for the appellant submits that this Interlocutory Application has been filed with a prayer to stay the further proceedings of Certificate Case No.22/21-22 pending before the District Certificate Officer, Bokaro arising out of award dated 10.08.2018 passed by District Judge-I-cum- Presiding Officer, Motor Accident Claim Tribunal, Bokaro in Motor Vehicle Suit No. 09 of 2012. It is next submitted by the learned counsel for the appellant that the appellant was directed to pay a sum of Rs.5,21,200/- to the applicants with interest thereon @ 6% per annum from the date of the award in Motor Vehicle Suit No. 09 of 2012 passed by the District Judge-I-cum- Presiding Officer, Motor Accident Claim Tribunal, Bokaro. It is next submitted by the learned counsel for the appellant that the appellant is ready and willing to deposit Rs.5,21,200/- with simple interest @ 6% per annum from the date of award to till date of deposit with the District Certificate Officer, Bokaro. It is next submitted that as mentioned in the supplementary affidavit dated 30.06.2023 warrant of arrest has been issued against the Divisional Manager of the appellant-company. Hence, it is submitted that the further proceedings of the Certificate Case No.22/21-22 pending before the District Certificate Officer, Bokaro be stayed.

Considering the facts and circumstances of this case, it is ordered that the proceeding of Certificate Case No.22/21-22 pending before the District Certificate Officer, Bokaro shall remain stayed, if and when, the appellant deposits Rs. 5,21,200/- with simple interest @

6% per annum from the date of the award to till its realization with the District Certificate Officer, Bokaro, less the amount, if any, already paid by the insurance company under Section 140 of Motor Vehicle Act, in Certificate Case No.22/21-22 pending before the District Certificate Officer, Bokaro.

It is made clear that the District Certificate Officer, Bokaro shall proceed with the Certificate Case No.22/21-22 diligently, without being prejudiced by this order, unless and until the said amount of Rs.5,21,200/- with simple interest @ 6% per annum from the date of the award to till its deposit, less the amount, if any, paid under Section 140 of Motor Vehicle Act by the insurance company, is deposited with the District Certificate Officer, Bokaro.

This Interlocutory Application stands disposed of accordingly.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)