

IN THE HIGH COURT OF JHARKHAND AT RANCHI
[Civil Miscellaneous Appellate Jurisdiction]

M.A. No. 703 of 2017

Manager Legal Claim, National Insurance Company Limited, Bokaro
.... .. Appellant(s)

Versus

Shanti Devi & Ors. Respondent(s)

.....
CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through :-Video Conferencing)

.....
For the Appellant(s) : Mr. Alok Lal, Advocate.

For the Resp. Nos.1 to 3 : Mr. Satish Kumar, Advocate
.....

05 / 24.06.2020. Heard, learned counsel for the parties.

The appellant-National Insurance Company Limited has preferred this Misc. Appeal against the award dated 30.05.2016 passed by learned District Judge-III Cum Presiding Officer, Motor Vehicle Accident Claim Tribunal, Bermo at Tenughat, Bokaro, in Motor Accident Claim Case No.90 of 2013.

Perused the office notes. It appears that respondent Nos.1 to 3 have already appeared. As per the report of Process Server at Flag-D, respondent No.4 [Deepak Kumar Hembrom, S/o Maheshwar Manjhi] has refused to accept the notice.

As per the service report at Flag-E, notice upon respondent No.5 [Tijan Singh] has been received by his son.

Further, there is delay of 450 days in preferring the instant appeal and for condonation of the same, **I.A. No.9431 of 2017** under Section 5 of the Limitation Act has been filed, but the copy of the same has not been served upon learned counsel for the claimants and Interlocutory application bearing **I.A. No.1203 of 2018** under Order XLI Rule 27 C.P.C. has been filed for adducing additional evidence, but the copy of the same has also not been served upon learned counsel for the claimants.

Considering the office notes, notice upon respondent No.4 [Deepak Kumar Hembrom, S/o Maheshwar Manjhi, owner of the offending vehicle bearing Registration No.BR 20B 8625 TBB] and respondent No.5 [Tijan Singh, S/o Late Bhadu Singh, driver of the offending vehicle], is considered to be validly served upon them.

As prayed for, put up this case on 8th July, 2020 so as to dispose of, the instant Appeal.

Learned counsel for the claimants/respondents has submitted that he will send his Clerk to the office of learned counsel, Mr. Alok Lal to receive copies of both the aforesaid I.As.

(Kailash Prasad Deo, J.)