

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Writ Jurisdiction]

W.P.(C) No. 5663 of 2005

Hari Prasad Soni

.... ..

Petitioner

Versus

- 1.The Oriental Insurance Company Limited, New Delhi
- 2.The Oriental Insurance Company Limited, Howrah
- 3.The Oriental Insurance Company Limited, Bokaro, Jharkhand.

... .. Respondents

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

For the Petitioner : Ms. Rishi Bharti, Advocate

For the Respondents : Mr. Alok Lal, Advocate

07/ 08.09.2021.

Heard, learned counsel for the parties.

Learned counsel, Mr. Rishi Bharti on the instruction of learned counsel for the petitioner, Mr. Ashutosh Anand has submitted that writ petition has been preferred by the petitioner, Hari Prasad Soni for quashing the entire proceeding being Certificate Case No.05 of 2002-03 pending in the court of District Certificate Officer, Giridih.

Learned counsel for the petitioner has submitted that petitioner, Hari Prasad Soni has died and after death of petitioner, learned counsel for the petitioner, Mr. Ashutosh Anand has no authority/vakalatnama, which ceases soon after death of petitioner, as such, she has submitted that she has no instruction.

It appears that writ petition has been filed against the respondent- Oriental Insurance Company Limited against a Certificate Proceeding, which has been initiated for recovery of the awarded amount vide award dated 25.07.2002 passed by Second Additional Motor Vehicle Accident Claim Tribunal, Giridih in Motor Vehicle Accident Claim Tribunal Case No.39 of 1995 / Miscellaneous Claim Cases's Register No.56 of 1997.

Learned counsel for the respondents, Mr. Alok Lal appearing for the Oriental Insurance Company Limited has submitted that since the petitioner has died, as such, the Oriental Insurance Company Limited may be granted liberty to take legal recourse to recover the awarded amount from the estate of petitioner, late Hari Prasad Soni, if petitioner, Hari Prasad Soni has died.

Considering the same, the instant writ petition is dismissed as not pressed with liberty to the respondents as aforesaid.

Consequently, all interim orders/protection granted earlier are hereby vacated.

(Kailash Prasad Deo, J.)