

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 110 of 2020

Senior Divisional Manager, National Insurance Co.
Ltd., Ranchi.....

Appellants

Versus

Bikram Kumar Nayak & Ors.....

Respondents

.....

Coram: Hon'ble Mr. Justice Ananda Sen

For the Appellant

.....

: Mr. Alok Lal, Advocate

For the Respondents

: Mr. Satish Kumar, Advocate

.....

I.A. No. 2694 of 2020

5/07.09.2021 This interlocutory application has been filed under Section 5 of the Limitation Act, to condone the delay of 58 days, occurred in filing this appeal. The grounds to condone the delay have been mentioned in Para- 5, 6, 7, & 8 of this application.

Counsel for the respondents objects condonation of delay.

After going through the records, I find that the reasons have sufficiently been explained by the appellants for condoning the delay of 58 days, occurred in filing this appeal. Accordingly, this interlocutory application is allowed. The delay of 58 days, occurred in filing this appeal is hereby condoned.

I.A. No. 2694 of 2020, stands disposed of.

I.A. No. 1331 of 2021

By filing this interlocutory application prayer has been made to stay the proceedings of Execution Case No. 10 of 2020, pending in the court of District Judge-I-cum-Motor Accident Claims Tribunal-1, Bermo at Tenughat.

Mr. Alok Lal, learned counsel appearing for the appellant, by taking this Court to the Award especially page nos. 5-8, submits that apparently there is error of calculation in respect of the amount spent for treatment. He submits that the provisional bills generated from time to time, has been added with the final bill. Thus, the amount has been increased. He submits that he has filed an application under Section 117 of the M.V. Act as the owner and the driver of the vehicle has not appeared. This means the vehicle was being driven without proper papers. Further, he takes the Court to Para-8 of the Award wherein the court has become a party to deposit an amount of Rs. 50,000/- in the Army Welfare Fund Battle Casualties. He submits that if the claimant is interested in depositing any amount in Army Welfare Fund, he should have done directly, rather he impleaded the court a party in the said process. He submits that the insurer should not have been directed to deposit the said

amount.

Mr. Satish Kumar, learned counsel for the claimants submits that at least some amount should be directed to be deposited before the Court if the stay is granted.

Considering the aforesaid submission of the parties, I direct the insurance company to deposit a sum of Rs. 5 lakh with the Registrar General of this Court. The said amount should be kept in an interest bearing account.

After depositing the said amount, the appellant will submit a proof of such deposition before the court of District Judge-I-cum-Motor Accident Claims Tribunal-1, Bermo at Tenughat in Execution Case No. 10 of 2020.

On such deposition, further proceedings of Execution Case No. 10 of 2020, pending in the court of District Judge-I-cum-Motor Accident Claims Tribunal-1, Bermo at Tenughat, shall remain stayed.

I.A. No. 1331 of 2021 stands allowed.

M.A. No. 110 of 2020

Call for the lower court records.

(Ananda Sen, J)