

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M. A. No. 289 of 2015

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The New India Assurance Company Ltd. Appellant
Versus
Robitri Munda & Others Respondents

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

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For the Appellant : Mr. G. C. Jha, Advocate
For the Respondent Nos. 1 to 3 : Mr. T. N. Mishra, Advocate

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06/08.07.2020

The instant Miscellaneous Appeal has been listed on the basis of mention slip filed by learned counsel for the respondent Nos. 1 to 3.

Learned counsel for the appellant, Mr. G.C. Jha, has submitted that in terms of order dated 14.10.2015, the appellant was directed to deposit Rs. 20 lacs before the learned Tribunal in Mis. Case No. 09 of 2015 and the said sum of Rs. 20,00,000/- was directed to hand over to the claimants with a direction that Rs. 5,00,000/- each shall be deposited in the name of each of the claimants with the joint name of natural guardian, if the claimant was minor for 10 years as indicated by the Tribunal and rest sum of Rs. 5 lacs was ordered to be handed over to the claimant no. 1 and copy of the fixed deposit receipt was to be furnished before the Tribunal, but he has no instruction whether the said amount has been deposited before the Tribunal or not?.

Learned counsel for the appellant has further submitted that notice was to be issued upon the **respondent no.4 (owner) namely, Awadh Kishore Dargi, son of Raj Deo Dargi, C/o Ashok Yadav, resident of N.H.-33, Balliguma, Mango, P.O. and P.S.- Mango, Jamshedpur, District- East Singhbhum**, for which requisites etc. was to be filed within one week from the order dated 14.10.2015, but the requisites etc. was filed on 27.07.2016 and as per the office note, the requisite had not been sent to the noticee, respondent no.4, as such, order dated 14.10.2015 passed by Coordinate Bench of this Court may be complied.

Learned counsel for the respondent, Mr. T. N. Mishra has submitted that unnecessarily the case is being delayed and claimants are facing hardship.

Considering the submissions of the parties, this Court directs the office to comply the order dated 14.10.2015 by issuing notice upon respondent no.4 and also sent FAX message to the Senior Superintendent of Police, Jamshedpur so

that respondent No.4 Awadh Kishore Dargi (owner) may be informed about pendency of the present case, so that owner may appear before this Court within a period of four weeks from today.

Learned counsel for the appellant is directed to comply the order dated 14.10.2015 by filing an affidavit before this Court regarding amount of Rs.5 lacs drawn in the name of Robitri Munda, and rest amount of Rs. 15 lacs deposited equally in the name of Robitri Munda, Bhadrawati Munda and Susmita Munda of Rs.5 lacs each and the copy of fixed deposit receipt furnished before the learned Tribunal.

Learned counsel for the claimants is also directed to file an affidavit whether the said order has been complied or not?

Put up this case after receipt of service of notice.

(Kailash Prasad Deo, J.)

Sunil-Jay/