

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**(Civil Miscellaneous Appellate Jurisdiction)**

**M.A. No. 180 of 2019**

**With**

**M.A. No.181 of 2019**

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**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**

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For the Appellant : Ms. Lokeshwari Banerjee, Advocate  
Mr. Suman Kumar Ghosh, Advocate (in both appeals)  
For the Respondent :

**04/Dated: 13/04/2021**

1. Heard, learned counsel, Ms. Lokeshwari Banerjee assisted by learned counsel for the appellants, Mr. Suman Kumar Ghosh.
2. Learned counsel for the appellants has submitted that accident took place on 04.10.2017 in which Santosh Kumar Gupta and Sarojni Devi sustained serious multiple injuries and Rahul Kumar Gupta sustained minor injury. Santosh Kumar Gupta died on the same day and Sarojani Devi also died during the treatment.
3. The legal heirs of deceased [Santosh Kumar Gupta] has preferred Motor Accident Claim Case no.47 of 2018 and the legal heirs of Sarojani Devi have preferred motor Accident compensation case no.48 of 2018, both the claim applications have been disposed of, by a separate award on 06.02.2019 passed by the learned District Judge-IX, Jamshedpur.
4. Claimants of both the claim cases are preferring the appeal for enhancement of the award, which is to be paid by New India Assurance Company Ltd. and the Insurance Company has been granted right to recover the same from the owner of the offending vehicle bearing registration no.BR16K-0990, as such, notice may be issued to the Insurance Company as well as to owner of the offending vehicle.
5. Under the aforesaid circumstances, let two copies of memo of appeal, impugned award as well as other relevant documents be served upon learned counsel, Mr. Manish Kumar, who normally appears on behalf of the New India Assurance Company Ltd. within two weeks.
6. Let notice be issued to Rajeev Ranjan Kumar Singh, S/o Awdhesh Kumar, R/o H. No.1/5, 4<sup>th</sup> Phase, Adarsh Nagar, Sonari, P.O. + P.S. Sonari, District- East Singhbhum (Jharkhand) (**owner of the offending vehicle bearing registration No.JH05AB-4335**) and Mukesh Kumar Singh, S/o Late Mritunjay Singh, C/o Praveen Kumar Singh, R/o House No.21, Qrt. B. North,

PNB Colony, P.O. + P.S. Sonari, Sonari, District- East Singhbhum, Jharkhand  
**(driver of the offending vehicle bearing registration No.JH05AB-4335)** in both process i.e. under registered ecover with A/D as well as under ordinary process for requisites must be filed within two weeks as Rahul Kumar Gupta (claimant) in M.A. No.181 of 2019 is the owner-cum-driver of car bearing registration No. BR16K-0990 and he has preferred this appeal for shifting liability to the owner of the Maruti swift desire car,.

7. Put up these cases after service of notice.

**(Kailash Prasad Deo, J.)**

**Sandeep/**