

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Miscellaneous Appellate Jurisdiction)**  
**M.A. No. 154 of 2018**

.....  
National Insurance Company Limited                   ....   ..... **Appellant**  
**Versus**  
Pinky Agrawal & Others   ....   ..... **Respondents**

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

.....  
For the Appellant   : Mr. Amresh Kumar, Advocate.  
For the Respondents                                       :

**04/05.04.2021.**

Learned counsel for the appellant, Mr. Amresh Kumar has submitted that National Insurance Company Limited has preferred this appeal against the award dated 29.11.2017 in Compensation Case No.45/2016 passed by learned District Judge-III-cum- Motor Vehicles Accident Claims Tribunal, Jamshedpur, whereby the claimants namely, (1) Pinky Agrawal (2) Payal Agrawal and (3) Priya Agrawal have been awarded compensation to the tune of Rs.1,00,000/- to be paid within 30 days from the date of award failing which claimants shall be entitled for interest @ 9% per annum from the date of judgment of the case.

Learned counsel for the appellant has submitted that though it is a case of **HIT AND RUN** as defined under Section 161(1)(b) of the Motor Vehicles Act, the personal assurance is not applicable for **HIT AND RUN CASES**. In such cases, the claim amount is to be paid from the solatium fund of Government as it is a **HIT AND RUN CASE** by unknown truck, whose registration number could not be detected even after investigation by the Police.

Learned counsel for the appellant has further submitted that the appeal has been preferred with delay of 6 days, for condonation of the same, I.A. No.4640/2018 has been preferred.

Considering such submission, let notice be issued to the claimants namely, (1) Pinky Agrawal (2) Payal Agrawal and (3) Priya Agrawal, all resident of Mahuliya Galudih, P.O. + P.S.-Galudih, Dist.- East Singhbhum as well as to owner of the Motorcycle bearing registration No. JH-05BC-6302 namely, Ratan Kumar Agrawal, son of Late Babulal Agrawal resident of H.No.96, Village- Mahuliya, Galudih, P.O. & P.S.- Galudih,

District – East Singhbhum (Jharkhand) under both process i.e. under registered cover with A/D as well as under ordinary process, for which requisites etc must be filed within a period of two weeks.

Put up this case after service of notice.

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

Jay/-