

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M.A. No. 377 of 2019

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Bajaj Allianz General Insurance Co. Ltd. Appellant
Versus
Suresh Mohli & Others Respondents

WITH
M.A. No. 378 of 2019

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Bajaj Allianz General Insurance Co. Ltd. Appellant
Versus
Bobby Devi & Others Respondents

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

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For the Appellant : Mr. Alok Lal, Advocate.
For the Respondents : Mr. Afaque Rashidi, Advocate.

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04/26.03.2021.

Learned counsel for the respondents, Mr. Afaque Rashidi has filed I.A.No.1556/2021 in M.A. No.377/2019 and I.A. No.1554/2021 in M.A. No.378/2019 for release of the awarded amount, deposited by the Insurance Company pursuant to the order dated 19.02.2021 passed by this Court.

Learned counsel for the appellant, Mr. Alok Lal has submitted that both the appeals have been assailed on the grounds that contributory negligence of the deceased, as they were triple rider on motorcycle bearing registration No. JH-10AL-0411, which was dashed by a Tempo bearing registration No. JH-10AW-9343 has not considered by the learned Tribunal.

Learned counsel for the appellant has submitted that though plea has been taken with regard to driving licence of the driver of the Tempo, which was insured before the Insurance Company, but owner of the offending vehicle though has appeared, but has not filed the said document before the learned Tribunal. The learned Tribunal has framed issue no.-4, with regard to effective driving licence at the date and time of accident, which has been discussed at para-10 of the impugned judgment, where it has been held that since the D.L. has not been submitted, it cannot be said that D.L. was available or not.

Learned counsel for the appellant has further submitted that the quantum has been assessed by the learned Tribunal on the higher

side without taking note of the evidence brought on record with regard to the income of the deceased.

Learned counsel for the appellant has further submitted that owner of the offending vehicle has already been noticed on 06.01.2020, as such, appearance of owner of the offending vehicle is relevant for the adjudication of the miscellaneous appeals.

Considering the same, interlocutory applications shall be heard at the time of final disposal of these appeals.

Let these appeals be listed after appearance of owner.

(Kailash Prasad Deo, J.)

Jay/-