

(2017) 01 JH CK 0128
In the Jharkhand High Court
Case No : 52 of 2015

Amalesh Kumar

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 13-01-2017

Acts Referred:

[Code of Civil Procedure, 1908](#), [Order 41 Rule 5](#)

Citation : (2017) 01 JH CK 0128

Hon'ble Judges : Amitav K. Gupta

Bench : SINGLE BENCH

Advocate : G. C. Jha

Judgement

I.A. No.5455 of 2015

1. The above interlocutory application has been filed under Order XLI Rule 5 of the Code of Civil Procedure read with Section 151 of the Code of Civil Procedure for staying the further proceedings of Execution Case No.1 of 2015, pending in the court of learned District Sessions Judge -cum- 1st Addl. Sessions Judge -cum- M.V.A.C.T., Seraikela - Kharsawan, for realization of the awarded compensation amount of Rs.6,84,500/- with interest @ 6% per annum.

2. Heard. If the appellant-insurance company deposits Rs.2,00,000/- (Rupees two lakhs) as part payment of the compensation amount in the court below by 03.02.2017, the further proceedings of Execution Case No.1 of 2015, pending in the court of learned District Sessions Judge -cum- 1 st Addl. Sessions Judge -cum- M.V.A.C.T., Seraikela - Kharsawan, shall remain stayed.

3. The amount so deposited shall be disbursed in favour of the respondents-claimants on their furnishing security/ indemnity bond and giving an undertaking and any other terms and conditions which the court below thinks fit and proper to impose.

4. With the said direction, I.A. No.5455 of 2015 stands disposed off.

M.A. No.52 of 2015

5. Learned counsel for the appellant submits that M.A. No.1 of 2015 has been filed by the Oriental Insurance Company, which arises out of the same judgment and order, hence, prays that the instant case may be heard along with M.A. No.1 of 2015.

6. Office is directed to tag the instant case with M.A. No.1 of 2015 and list this case on 07.02.2017.

7. In the meantime, learned counsel for the appellant shall file requisites of notice in the limitation matter under ordinary process to be served upon the respondents, for which, requisites etc., must be filed within two weeks, failing which, it shall stand dismissed without further reference to a Bench.