

(2017) 01 JH CK 0129
In the Jharkhand High Court
Case No : 387 of 2013

Amanat Ansari & Ors.

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 13-01-2017

Acts Referred:

[Code of Civil Procedure, 1908](#), [Section 151](#) - Saving of Inherent powers of Court
[Limitation Act, 1963](#), [Section 5](#) - Extension of prescribed period in certain cases

Citation : (2017) 01 JH CK 0129

Hon'ble Judges : Amitav K. Gupta

Bench : SINGLE BENCH

Advocate : G. C. Jha, S. K. Pandey

Judgement

I.A. No.8972 of 2013

1. The above interlocutory application has been filed under Section 5 of the Limitation Act read with Section 151 of the Code of Civil Procedure for condoning the delay of 99 days in preferring the present appeal.

2. Learned counsel for the respondent-claimant has not raised any serious objection.

3. Heard. Considering the reasons assigned in paras - 3 & 4 of the supporting affidavit, sufficient cause and reasonable explanation is made court accordingly the delay is condoned.

4. I.A. No.8972 of 2013 stands allowed.

I.A. No.4955 of 2014

5. The above interlocutory application has been filed under Order 41 Rule 5 of the Code of Civil Procedure for staying the further proceedings of the Execution Case No.1 of 2013, pending in the court of learned District Judge - II, Koderma,

for realization of the awarded compensation amount of Rs.48,70,659/- with interest @ 6% per annum.

6. It is submitted by the learned counsel for the appellant- insurance company that deceased is survived by the sole claimant and the learned Tribunal has deducted only 1/10 th of the income whereas it should have been 1/3 rd. That the appellant has a good case and if the stay is not granted, the appellant-insurance company shall suffer irreparable loss.

7. Learned counsel for the respondent-claimant has submitted that till date not a single farthing has been given to the claimant.

8. Heard. If the appellant deposits Rs.20,00,000/- (Rupees twenty lakhs) as part payment of the awarded compensation amount in the court below by 15.02.2017, the further proceedings of the Execution Case No.1 of 2013, pending in the court of learned District Judge - II, Koderma, shall remain stayed.

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

10. With the said direction, I.A. No.4955 of 2014 stands disposed off.

M.A. No.387 of 2013

11. Learned counsel for the appellant shall file requisites of notice under registered cover with A/D as well as under ordinary process to be served upon the respondent No.2, after ascertaining the present and correct address, for which, requisites etc., must be filed within three weeks.

12. Learned counsel for the appellant is permitted to utilize the returned copy of notice, if any.

13. List this case on 23.02.2017.