

(2025) 05 JH CK 1157
In the Jharkhand High Court
Case No : C.O. No.37 Of 2021

Ankur Sharma

APPELLANT

Vs

Gurvir Singh Sangha and Another

RESPONDENT

Date of Decision : 08-05-2025

Acts Referred:

Citation : (2025) 05 JH CK 1157

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Bibhash Sinha, Achinto Sen

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Notice upon the respondent no.2 has not been effected.
2. From the records, it transpires that thrice notices have been issued upon the respondent no.2, however, the notice upon the respondent no.2 who happened to be the owner of the vehicle in question has not been effected.
3. In view of that, the learned counsel for the appellants will take steps for substituted service of notice upon the respondent no.2 by way of paper publication which is being published from the place where the respondent no.2 is residing.
4. For the purpose of draft etc. the learned counsel will approach Office within one week after summer vacation and thereafter within two weeks, the paper publication will be made and two weeks further thereafter supplementary affidavit annexing the paper publication will be filed by the learned counsel for the appellant.
5. Let these matters appear six weeks after summer vacation.
6. In M.A. No.338 of 2017 Mr. Bibhash Sinha, the learned counsel has appeared

and Mr. Achinto Sen, has appeared on behalf of the claimants.

7. In Cross Objection No.37 of 2021 Mr. Achinto Sen the learned counsel has appeared on behalf of the objector and in view of that, M.A. No.338 of 2017, Mr. Bibhash Sinha, the learned counsel will take instruction on behalf of the respondent no.2 in Cross Objection No.37 of 2021 and will file Vakalatnama and will assist the Court.

8. Let the name of Mr. Bibhash Sinha, the learned counsel be reflected in the cause list in Cross Objection No.37 of 2021.

9. Since, the notice has been already directed to be published on the owner of the vehicle in question who is the respondent no.1 in the present Cross Objection and considering that thrice notice has been issued in M.A.No.338 of 2017, however, no notice has been served, and in that view of the matter, the learned counsel for the petitioner in C.O.No.37 of 2021 will take substituted service of notice by way of paper publication on behalf of the respondent no.1 within one week after summer vacation and thereafter within two weeks, the paper publication will be made and two weeks further thereafter supplementary affidavit annexing the paper publication will be filed by the learned counsel.

10. I.A. No.2546 of 2023 in M.A. No.338 of 2017 has been filed for stay of the Execution Case No.3 of 2021.

11. Mr. Bibhash Sinha, the learned counsel submits that the matter is pending before this Court and in the meantime, the learned court has passed the order on 17.04.2025 for attachment of the bank account of the appellant herein for recovery of the amount in question. He submits that in view of the prayer is made for stay of the execution case.

12. Mr. Achinto Sen, the learned counsel submits that the claimants are suffering and till date no farthing has been paid to the claimants.

13. In view of above, the Insurance Company is directed to deposit the entire awarded amount along with the interest within three weeks before the learned Tribunal and out of the deposited amount, Rs.8 lacs (Rs.Eight Lacs) will be released in favour of the claimants on proper verification.

14. So far as the rest of the amount is concerned, that will be kept intact and that will be subject to the result of the present appeal.

15. If the awarded amount is deposited within the aforesaid time, there shall be stay of the Execution Case No.3 of 2021, arising out of Claim Case No.08 of 2012, pending in the court of learned Additional District Judge-I, Koderma.

16. The instant I.A stands allowed and disposed of.

17. Let these matters appear on 06.08.2025.