
(2016) 05 JH CK 0160
In the Jharkhand High Court
Case No : M.A No. No.214 of 2015

Branch Manager

APPELLANT

Vs

Manju Kuer

RESPONDENT

Date of Decision : 04-05-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 41 Rule 5(5)

Citation : (2017) 1 AIRJharR 671

Hon'ble Judges : Mr. Amitav K. Gupta, J.

Bench : Single Bench

Advocate : Mr. Alok Lal, Advocate, for the Appellant; None, for the Respondents

Final Decision : Allowed

Judgement

Mr. Amitav K. Gupta, J. - I.A. No. 2790 of 2015.

The above interlocutory application has been filed on behalf of the appellant under Section 5 of the Limitation Act for condoning the delay of 19 days in preferring the appeal.

2. Heard. Considering the reasons assigned in paras ? 05 to 12, reasonable explanation and sufficient cause is made out accordingly, the delay is condoned.

3. I.A. No.2790 of 2015 stands allowed.

I.A. No.2428 of 2016

4. The above interlocutory application has been filed under Order 41, Rule 5 (5) of the Code of Civil Procedure for staying the further proceedings in Execution Case No.01 of 2016, pending in the court of learned Principal District Judge -cum- Motor Vehicle Accident Claims Tribunal, Palamau, for realization of the award as ordered in M.V. Claim Case No.37 of 2010 whereby compensation has been awarded to the tune of Rs.7,91,500/-. It is submitted that the policy was Act Liability Policy and not a Package Policy and fastening the liability to pay the entire compensation amount has been impugned in the appeal.

5. Heard. If the appellant deposits Rs.4,00,000/- (Rupees four lakhs only) as part payment of the awarded compensation amount in the court below, the further proceedings in Execution Case No.01 of 2016, pending in the court of learned Principal District Judge -cum-Motor Vehicle Accident Claims Tribunal, Palamau, shall remain stayed, as against the appellant.

6. The court below shall disburse 50% i.e., Rs.2,00,000/- (Rupees two lakhs only) of the amount so deposited by the appellant, to the respondents-claimants, on their furnishing requisite security/ indemnity bonds and on undertaking that the said amount shall be returned, if the appeal is allowed.

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7. Learned counsel for the appellant shall file requisites of notice under ordinary process, by 20.05.2016, to be served upon the respondents.