

(2017) 06 JH CK 0029
In the Jharkhand High Court
Case No : 12 of 2015

Jagdeo Koeri & Ors.

APPELLANT

Vs

Mahabir Koeri & Ors.

RESPONDENT

Date of Decision : 21-06-2017

Acts Referred:

[Code of Civil Procedure, 1908](#), [Order 41 Rule 5](#) -
[Limitation Act, 1963](#), [Section 5](#) -
Extension of prescribed period in certain cases

Citation : (2017) 06 JH CK 0029

Hon'ble Judges : Amitav K.Gupta

Bench : SINGLE BENCH

Advocate : G.C.Jha, Rajiv Anand

Judgement

I.A.NO.50/2015

1. This interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 21 days in preferring the appeal.
2. Learned counsel for the respondents has not raised any serious objection.
3. Heard. Considering the reasons assigned in para 3 of the application, sufficient cause and reasonable explanation is made out accordingly, the delay is condoned.
4. I.A.NO.50/2015 is allowed and disposed off.

I.A.NO.4882/2017

5. The present interlocutory application has been filed under Order 41 Rule 5 of the C.P.C for staying further proceedings in Misc. Case no.24 of 2016 pending in the court of Presiding Officer, M.A.C.T, Ranchi for realisation of the awarded compensation of Rs.11,62,750/- with interest @ 6% p.a. from the date of filing of the case passed in Compensation Case No.186/2012.

6. Learned counsel for the respondents/claimants has submitted that save and except the interim compensation no amount of the awarded compensation has been given to the respondents/claimants.

7. Heard. If the appellant-New India Assurance Company Ltd. deposits a sum of Rs.6,00,000/- (Rupees six lakhs) as part payment of the compensation amount by 21.07.2017 before the Presiding Officer, M.A.C.T, Ranchi further proceedings in Misc. Case no.24 of 2016 shall remain stayed.

8. The amount so deposited shall be disbursed in favour of the respondents/claimants on their proper identification and on the terms and conditions which the court below deems fit and proper.

I.A.NO.4882/2017 is allowed and disposed off.

M.A. No.12 of 2015 8. Learned counsel for the appellant shall file requisites of notice to be served upon respondent no.6 under ordinary process within a week.

9. If notices are so filed within the prescribed time office is directed to list this case on 28.08.2017.