
(2025) 07 JH CK 1193
In the Jharkhand High Court
Case No : Misc. Appeal No. 49 Of 2025

National Insurance Company Limited	APPELLANT
Vs	
Sapni Dongo And Others	RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Citation : (2025) 07 JH CK 1193

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Amresh Kumar, Pankaj Kr. Choudhary, Anjani Kumar

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Mr. Pankaj Kr. Choudhary, the learned counsel has appeared on behalf of the respondent nos.1 to 3 and respondent no.4 is the minor daughter of respondent no.1 and she is being represented by mother who is respondent no.1 who is being represented by Mr. Pankaj Kr. Choudhary, the learned counsel.

2. Mr. Anjani Kumar, the learned counsel has appeared on behalf of the respondent no.5 who is the owner of the vehicle in question.

3. The notice on behalf of the respondent no.6 has been received by his father and notice on behalf of the respondent no.7 has been received in person, however, appearance on behalf of the respondent nos.6 and 7 has not been made as yet.

4. I.A. No.596 of 2025 has been filed for condoning the delay of 152 days occurred in filing of the present appeal.

5. Learned counsel for the appellant submits that the said delay has occurred due to preparation and filing of the instant appeal as well as making consultation.

6. Learned counsel for the respondent nos.1 to 4 and 5 submit that proper

explanation is not there and in view of that, the delay may not be condoned.

7. Considering that the appeal has been preferred in which one of the ground is taken about the identity of the vehicle in question and the delay has occurred due to preparation and filing of the appeal as well as making consultation, the delay of 152 days in preferring the instant appeal is, hereby, condoned. I.A. No.596 of 2025 stands allowed and disposed of.

8. Mr. Amresh Kumar, the learned counsel for the appellant submits that execution case has been filed and for stay of the execution case, I.A. No.598 of 2025 has been filed. He submits that in the appeal one of the ground taken is of identity of the vehicle in question. He submits that limitation is also there of 152 days. He submits that the learned executing court is proceeding in the matter and in view of that it was necessitated to file the instant I.A.

9. In view of above and considering that the appeal is pending here and the matter is being adjourned for providing one more opportunity to the respondent nos.6 and 7, the Insurance company is hereby directed to deposit the entire awarded amount along with the interest before the learned Tribunal within three weeks.

10. Out of the deposited amount, 50% of the said amount will be released in favour of the claimants on proper verification and the rest of the amount shall be kept intact which will be subject to the result of the present appeal.

11. If the aforesaid amount is deposited within three weeks, there shall be stay of Execution Case No.16 of 2024, arising out of Motor Accident Claim Case No.16 of 2020, pending before the learned District Judge cum Presiding Officer, M.A.C.C, West Singhbhum, at Chaibasa.

12. I.A. No.598 of 2025 stands disposed of.

13. Respondents are kept at liberty to file a petition for modification of this order.

14. With a view to provide one more opportunity to the respondent nos.6 and 7, this matter is being adjourned.

15. Let this matter appear after four weeks.