

(2025) 03 JH CK 1347
In the Jharkhand High Court
Case No : M.A. No. 380 Of 2024

Tata AIG General Insurance Company Limited

APPELLANT

Vs

Baleshwar Sahu and Others

RESPONDENT

Date of Decision : 20-03-2025

Acts Referred:

Citation : (2025) 03 JH CK 1347

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Niraj Narayan Mishra, Sumit Prakash

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Notice upon the respondent no.1 and 2 have been received by them themselves and notice upon the respondent no.3 has been received by his wife and as such notice upon respondent nos.1 to 3 is complete.
2. Mr. Sumit Prakash, the learned counsel has appeared on behalf of the respondent no.4.
3. I.A. No.11206 of 2024 has been filed for condonation of delay of 59 days in filing the present miscellaneous appeal.
4. Learned counsel for the appellants submits that in preparation and making consultation such delay has occurred and in view of that the delay may kindly be condoned.
5. learned counsel for the respondent no.4 has got no serious objection for the same.
6. Notice upon respondent nos.1 to 3 has been effected however they have chosen not to appear till date.

7. The Court finds that sufficient ground has been made out for condonation of delay and as such, the delay in preferring the instant appeal is hereby condoned and hence, the instant I.A for condonation of delay is allowed and disposed of.
8. I.A. No.3321 of 2025 has been filed for staying the Execution proceeding initiated in MAC Case No.54 of 2024 arising out of MAC Case No.193 of 2021.
9. Learned counsel for the appellants submits that the learned court has issued direction upon the Bank to attach the amount of Rs.5,48,021/- along with the interest 7.5 % per annum. He submits that he has been instructed by the Insurance company that till date the deduction is however not made.
10. In view of above, the Insurance company is directed to deposit Rs.5,48,021/- along with the interest @ 7.5 % per annum within two weeks.
11. If the said amount is being deposited within two weeks, there will be stay of further proceeding with regard to MAC Case No.54 of 2024 arising out of MAC Case No.193 of 2021, however, the deposited amount will not be disbursed without permission of this Court.
12. The instant I.A is allowed in the above terms and disposed of.
13. In spite of the valid service respondent nos. 1 to 3 have not appeared.
14. With a view to provide one more opportunity to them, this matter is being adjourned.
15. Let it appear after four weeks under the appropriate heading.