

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Miscellaneous Appellate Jurisdiction)**  
**M.A. No. 306 of 2014**

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Tata Motors Limited

..... Appellant

**Versus**

Ibrar Alam & Ors.

..... Respondents

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**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through :-Video Conferencing)**  
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For the Appellant

: Mr. V.P. Singh, Sr. Advocate  
Mr. Arun Kr. Singh, Advocate  
Mr. Amit Kumar Das, Advocate  
For the Respondent nos.1 &2 : Mr. Ashok Kumar Singh, Advocate

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**09/Dated: 22/01/2021.**

Heard, learned counsel for the parties.

Learned Sr. counsel for the appellant has submitted that Tata Motors Limited has preferred this Miscellaneous Appeal against the award dated 08.07.2013 passed by learned 5<sup>th</sup> District Judge-cum-P.O., Motor Vehicle Accident Claims Tribunal, Hazaribagh in Claim Case No.24 of 2006 whereby the claimants namely, Ibrar Alam and Zarina Khatoon have been awarded a compensation to the tune of Rs.1,62,000/- along with interest @ 9% from the date of institution of the claim application within two months from the date of award, failing which, further penal interest @ 9% shall be chargeable against O.P. No.2, M/s Tata Motors Limited.

Learned Sr. counsel for the appellant has submitted that the offending vehicle bearing chassis no. 426021CVZ109463 was duly insured before the New India Insurance Company Ltd., but this fact has not been brought on record before the learned Tribunal because of the mistake committed by the appellant, who could not file written statement before the learned Tribunal, as such, New India Assurance Co. Ltd. be added as a necessary party/respondent, for which I.A. No.249 of 2021 has been filed.

Learned Sr. counsel for the appellant has further submitted that awarded amount along with interest shall be deposited by the appellant before the Registrar General of this Court within a period of four weeks by way of two bank drafts in the name of Registrar General of this Court, one of Rs.1,62,000/- and another, with interest as granted by the learned Tribunal from the date of filing of the claim application till the date of issuance of Bank draft. The principal amount may be released in favour of the claimants but the

interest part may be withheld till disposal of the appeal.

Learned counsel for the claimants, Mr. Ashok Kumar Singh has submitted that poor claimants are sufferer in this case, who lost their daughter- Aasma Khatoon, a trained Tailor, on 18.03.2004, as such, entire amount may be released.

Considering the rival submissions of the parties, as Tata Motors has come with a very positive approach, this Court directs the appellant to serve two copies of memo of appeal along with all relevant papers including the Interlocutory Applications upon Mr. Manish Kumar, Advocate, who normally appears for New India Assurance Company Ltd.

Office is directed to implead New India Assurance Company Ltd. as party/respondent no.4.

Accordingly, I.A. No.249 of 2021 is allowed.

Learned counsel for the Insurance Company is directed to file counter-affidavit in the main memo of appeal as well as in limitation matter, filed vide I.A. No. 4768 of 2014, within a period of four weeks.

The Registrar General of this Court is directed to accept both the bank drafts deposited by Tata Motors Limited within a period of five weeks from today and if, the said drafts are deposited and the claimants filed an application for withdrawal of the principal amount of Rs.1,62,000/- then on proper verification, such principal amount shall be released and the 2<sup>nd</sup> bank draft with regard to the interest shall be kept in fixed deposit scheme so as to accrue some interest during pendency of the appeal.

In the meantime, LCR be called for in connection with Claim Case No.24 of 2006 from the court of learned 5<sup>th</sup> District Judge-cum-P.O., Motor Vehicle Accident Claims Tribunal, Hazaribagh.

Put up this case after six weeks.

All such deposits shall be subject to without prejudice to the rights of the appellant so as to consider the right of recovery of the appellant from the New India Insurance Company Ltd.

**(Kailash Prasad Deo, J.)**