IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 306 of 2014

Tata Motors Limited through its Attorney Shri Praven Kumar Sinha

.... Appellant

Versus

Ibrar Alam & Ors. … …. Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant   : Mr. A.K. Das, Advocate
                               Mrs. Kanishka Deo, Advocate
For the Respondent No. 1 & 2 : Mr. Ashok Kr. Singh, Advocate
                               Mr. Manish Kumar, Advocate

Order No. 11 / Dated : 05.03.2025.

I.A. No. 4768 of 2014

Heard, learned counsel in I.A. No. 4768 of 2014, which has been filed under Section 5 of the Limitation Act for condoning the delay of 299 days in preferring the instant appeal.

It is submitted by the learned counsel on behalf of the appellant that the delay was not intentional and the same took place in obtaining the certified copy and moving the appropriate authority for filing the appeal.

Learned counsel on behalf of the Insurance-Company has contested the condonation petition.

Considering the grounds taken in the aforesaid interlocutory application, delay of 299 days in preferring the instant appeal, is condoned at a cost of Rs. 5000/- to be deposited before the JHALSA, Ranchi.

Let the copy of the receipt be filed before this Court.

Accordingly, I.A. No. 4768 of 2014 stands disposed of.

M. A. No. 306 of 2014

It is argued by the learned counsel on behalf of the Insurance-Company that this is a fit case for remand as the Insurance-Company was not impleaded at the stage of learned Tribunal and therefore, it had no opportunity to contest the claim application under Section 149 of the M.V. Act.

This is a case with regard to the accident which took place on 18.03.2004 and after more than two decades, it will not be in the interest of justice to remand the case to the learned Tribunal. However, the appellant is directed to file the permit/transit permit of the offending vehicle and the driving licence of the driver of the offending vehicle supported by an affidavit within four weeks of the order.

Let the case be listed after four weeks.

(Gautam Kumar Choudhary, J.)

Pawan/ -