

(2025) 01 JH CK 0025

Jharkhand High Court

Case No: M.A. No.210 Of 2016 (Deoghar)

National Insurance Company
Limited

APPELLANT

Vs

Mst.Kamal Mukhi Devi

RESPONDENT

Date of Decision: Jan. 6, 2025

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Amresh Kumar, A.K. Choudhary, Lalit Yadav, G.C. Jha

Final Decision: Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. I.A. No.36 of 2025 has been filed for substitution of the names of legal heirs/ successors of respondent no.6.

2. Learned counsel for the petitioner submits that the respondent no.6 has left for his heavenly abode on 19.06.2015 and it has come to the knowledge

of the appellant later on and in view of that the said petition has been filed and the names of legal heirs/ successors of respondent no.6 has been

disclosed in paragraph no.3 of the I.A petition.

3. Mr. Choudhary, the learned counsel appearing on behalf of the claimants opposed the prayer on the ground that belatedly the said petition has been

filed and there is no petition for condoning the delay, and as such, the same may kindly be rejected.

4. Mr. Jha, the learned counsel appearing on behalf of the respondent no.8 [New India Insurance Company Limited Deoghar Branch] submits that it

is for the Court in the interest of justice to take a decision with regard to the substitution petition.

5. It is an admitted position that respondent no.6 has left for his heavenly abode and it was pointed out that it was not within the knowledge of the insurance company and that is how such delay has occurred. The prayer in the petition is also made for setting aside the amendment.

6. Although the provisions are there to file separate petitions, however, if only one petition is filed for making other prayers that cannot be a ground for rejecting the same and further the contents and the nature of the prayer is required to be looked into by the Court and from the petition, it transpires that the intention of condoning the delay as well as setting aside the amendment and allowing the substitution petition is there.

7. As such, prayer made in the I.A is allowed and the instant I.A. stands disposed of.

8. The delay in filing the instant petition is condoned.

9. The amendment of respondent no.6 is set-aside.

10. The learned counsel for the petitioner will array the legal heirs/successors of the respondent no.6 in course of the day.

11. Issue notice upon the newly added legal heirs/successors of the respondent no.6 by registered post with A/d as well as under ordinary process for which requisites etc must be filed within two days.

12. Let this matter be placed under the appropriate heading after appearance of the legal heirs/ successors of respondent no.6 and if after service of notice upon the legal heirs/ successors of respondent no.6 within a reasonable period of time any report with regard to service of notice is not placed with the Registry, in that situation also, the matter will be placed before the Bench.