IN THE HIGH COURT OF JHARKHAND AT RANCHI

**M.A. No. 175 of 2022**

DG and IG of Police In charge S.P., Lohardaga, P.O- Lohardaga, P.S- Lohardaga, District- Lohardaga.

(Registered owner of Tata SFC-407/31CAB BSII Registration No. JH-08C-4148)

... O.P. No.1/Appellant

Versus

1. Raijun khatoon W/o Late Akhtar Ansari
2. Rubana Khatoon D/o Late Akhtar Ansari and W/o Wasim Ansari
3. Asmat Ansari
4. Arshad Ansari
5. Taufique Ansari,

   serial No 3 to 5 sons Late Akhtar Ansari
6. Rukshar Ruhi @ Ruhi Parveen D/o Late Akhtar Ansari, Serial no.1 and 3 to 6 All are resident of village Senha P.O, P.s- Senha District Lohardaga And Serial No 2 resident of Mohlla Somar Bazar Lohardaga, P.O Lohardaga, P.S - Lohardaga, District - Lohardaga.

**----Claimants- Applicants/Respondents**

7. Chhedi Lal Kherwar alias Chedi Singh S/o Late Mangna Kherwar alias Late Manga Singh village-Hurmur, P.O. – Senha, P.S- Senha, District – Lohardaga (Driver of the vehicle)

**------ Opp. Party no.2/Respondents**

---

**CORAM: HON'BLE THE CHIEF JUSTICE**

---

For the Appellant: Mr. Mihir Kumar Ekka, A.C. to S.C.-I

---

**06/Dated: 24.04.2026**

**I.A. No. 9372 of 2022**

1. This I.A. seeks condonation of delay of 18 days in instituting this appeal.

2. Considering the cause shown, the delay is condoned and I.A.9372 of 2022 stands disposed of.

**M.A. No. 175 of 2022**

3. Heard the learned counsel for the appellant.

4. With consent, this appeal is taken up for final hearing.

5. This is an unfortunate case that, *prima facie,* reflects the insensitivity of the State and its officials.

6. This appeal challenges the judgment and award dated 04.06.2022 by which the Tribunal at Lohardaga has awarded the claimants compensation of hardly Rs. 4,52,732/- for the unfortunate demise of Akhtar Ansari on 15.08.2013 in a road accident.

7. The claimants are the deceased Akhtar Ansari's widow and children. This appeal, along with an application for condonation of delay, was filed on 30.09.2022, about 18 days late. After that, as usual, despite the Registry pointing out the defects, no steps were taken. Adjournments were sought with assurances of clearance of the defects, but the defects were not cleared. Even before this Court, on 04.05.2023, there was no appearance on behalf of the appellant. Still, four weeks' time was granted to clear the defects. Belatedly, applications were filed to waive the defects, and some more time was spent to clear the unwaived defects.

8. It has become almost a routine practice to file such defective appeals/applications, keep them pending in the Registry, and on such a basis, avoid payment of the compensation amount to the claimants, even by seeking repeated adjournments before the executing courts. The appellants in the present case, i.e. the DG and

IG of police, should resort to such a practice is most unfortunate. The learned counsel for the appellant now points out that the cause title speaks about the In-charge S.P. This is again a very unfortunate submission because the cause title very clearly refers to "DG and IG of Police In charge S.P, Lohardaga".

**9.** In any event, it matters little whether such practices are adopted by the DG, IG or the SP, all to deprive or delay the claimant's compensation of only Rs. 4,52,732/- awarded by the Tribunal for the demise of their husband/parent in a vehicular accident on 15.08.2013.

**10.** Now that this amount has been deposited and only ground pressed is that some inadmissible documents were admitted by the Tribunal, and that the FIR admitted in evidence does not include the vehicle number, there is no good reason to delay the payment of this compensation amount to the claimants.

**11.** From perusal of the impugned award, no case of any inadmissible document being admitted is even *prima facie* made out. In any event, the strict rules of the Evidence Act do not apply to summary proceedings before a Tribunal. Simply because the police officials do not have to spend money from their own pockets to file this kind of appeal, and such appeals are filed and prosecuted using taxpayers' funds, this appeal appears to have been filed.

**12.** The ground about the FIR not mentioning the vehicle number is also misconceived. This is not a case in which the factum of the accident

or the vehicle's involvement was seriously disputed. Even otherwise, excluding the FIR, there was oral and documentary evidence of the vehicle's involvement.

**13.** The appeal is entirely meritless and based upon the same; the appellant has unreasonably delayed the payment of compensation in this matter.

**14.** Paragraph 13 of the impugned award shows that though there were six claimants, the spousal consortium of only Rs. 44,000/- has been awarded. In terms of the decision of the Hon'ble Supreme Court in the Case of **Magma General Insurance Co. Versus Nanu Ram**, *(2018) 18 SCC 130*, such a consortium should have been awarded to each of the claimants.

**15.** Thus, to the already awarded compensation amount, further compensation of Rs. 2,20,000/- will have to be added towards the consortium. In fact, the total consortium amount comes to Rs. 2,64,000/-. However, since Rs. 44,000/- is already awarded, the balance of Rs. 2,20,000/- will now have to be awarded towards just compensation.

**16.** The impugned award is modified accordingly, and the compensation amount is enhanced by further Rs. 2,20,000/-.

**17.** The claimants will be entitled to withdraw the entire compensation amount, together with interest granted by the impugned award, upon furnishing their identity and bank details. The amount will have to

be transferred directly to the claimants' bank accounts, without allowing any other mode of withdrawal.

**18.** The appellant is now directed to pay the enhanced compensation amount together with interest thereon @ 7.5% per annum from the date of filing of the claim petition till the deposit of this amount in this Court within four weeks from today, with the necessary intimation to the Member Secretary, JHALSA.

**19.** The Member Secretary, JHALSA, is requested to render all assistance to the respondents-claimants so that they can receive the compensation amount already granted and the enhanced compensation amount now directed. This should be done within a reasonable time, as, since 2013, it appears that the claimants have received no compensation due to the appellant-State's unfortunate practices in this matter.

**20.** The appeal is disposed of in the above terms, without any order for costs.

**21.** Pending interim applications, if any, will not survive and are disposed of.

**22.** The registry to forward a copy of this order to the Member Secretary, JHALSA, for necessary action.

**(M. S. Sonak, C.J.)**

**April 24, 2026**
N.A.F.R.
Manoj/Sharda/Cp.2
Uploaded on 24-Apr-26