

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.113 of 1992

=====

The Oriental Insurance Company Ltd. represented through the Regional Manger,
the Oriental Insurance Company, Ltd. Patna, Regional Office, Patna.

(Opposite Party No.2) Appellant

Versus

1. Smt.Shanti Devi, daughter of late Ram Ratanlal and wife of Shri Gupteshwar Prasad Gupta, residing at Mohalla – Gudar Pandey Lane Buniyadgang. P. S. – Buniyadganj, District- Gaya.

(claimant) respondent 1st Set

2. Shri Badruddin, son of Noinudin, resident of Mohalla- New Karimganj opposite safe Khana Dr. Kamaluddin, P.S.- Civil Lines, District _Gaya

.....Opposite Party No.2) ---- Respondent 2nd Set

=====

Appearance :

For the Appellant/s	:	Mr. Durgesh Kumar Singh, Advocate
For Respondent/claimant	:	Mr. Manojeshwar Pd.Sinha, Advocate
		Mr. Madhukar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 02-02-2015

Heard the parties.

2. This is an Appeal preferred against order dated 02.05.1992 passed by the Additional District Judge VI, Gaya in M.A.C. No. 39 of 1991 granting interim compensation worth Rs.25,000/- to the claimant respondent against death of one Ram Nandan Prasad, who died in a road accident on 28.06.89.

3. The Appeal has been preferred on the ground that at the relevant time old Motor Vehicles Act was prevailing wherein there is no question of ad interim maintenance and in certain exigency total amount of Award also cannot exceed Rs.15,000/-.

4. This is unfortunate case of the year 1989 wherein interim compensation of Rs.25,000/- was awarded by the impugned order and matter is pending in this Appeal for about 23 years. It is further unfortunate that the Lower Court Records was called for earlier and without further progress is lying attached herewith.

5. Taking into consideration such aspect and the legislation being beneficial one, the statutory deposit of Rs. 12,500/- is directed to be remitted to the Claim Tribunal below for payment to the claimant, subject to final result of the case. Simultaneously, the Claim Tribunal is further directed to conclude and disposed of the case within a period of three months of receipt of the record. The parties concerned shall co-operate in early disposal of the case, failing which they may be ready for dire consequences.

6. With the above observations and directions without any adjudication on merit or rival contentions, the Appeal stands disposed of.

6. The Registry is directed to at once do the needful and ensure receipt of Lower Court Records within this week to the Claim Tribunal below.

(Akhilesh Chandra, J)

Ashwini/-

U			
---	--	--	--