

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.59 of 1991

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The New India Assurance Ltd. duly constituted Attorney Jayanta Kumar Roy,
Fraser Road, Patna

.... Appellant/s

Versus

1. Smt. Sumitra Sinha, wife of late Birendra Kumar Singh
2. Kumari Rashmi
3. Diwakar Kumar
4. Bibhakar Kumar
5. Sudhakar Kumar

respondent nos. 2 to 5 are minor sons and daughter of late Birendra Kumar Singh under the guardianship of their mother Smt. Sumitra Singh, resident of Mohalla- New Area, P.S.-Nawada, District- Nawada.

6. Sri Arbind, son of Sri Baiju Mahto, resident of Bina Pustak Bhandar, Hospital Road, P.S. –Nawada, Dist. –Nawada (owner of Bus No. BPL 8582).

.... Respondents

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Appearance :

For the Appellant/s : Mr. Durgesh Kumar Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 10-02-2015

This Appeal has been placed under the heading “For Orders (On Office Notes)”.

2. This is an Appeal preferred against order dated 12.04.1990 passed by the Motor Vehicles Claim Tribunal-cum-District Judge, Nawada in Motor Vehicles Claim Case No. 13 of 1988 granting interim compensation worth Rs.25,000/- to the

claimant respondent against death of one Birendra Kumar Sinha who died in a road accident on 27.03.88.

3. Heard Mr. Durgesh Kumar Singh, learned counsel representing the appellant, who submitted that old claim case of the year 1988 is still pending disposal before the Court below in spite of transmission of Lower Court Records and since, there is identical question, this Appeal may also be disposed of in the same terms and conditions as indicated in the judgment dated 2nd February 2015 in M.A. No.113 of 1992.

4. 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/-.

5. 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.

6. 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.

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

(Akhilesh Chandra, J)

Ashwini/-

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