

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.706 of 2013

=====

1. The Divisional Manager, United India Insurance Company Ltd.,
Muzaffarpur

.... Appellant/s

Versus

1. Savita Devi Wife Of Late Abhay Kumar Singh Resident Of Village-
Vishupura, P.S.-Adapur, District-East Champaran
2. Vikash Kumar Son Of Abhay Kumar Singh Resident Of Village-
Vishupura, P.S.-Adapur, District-East Champaran
3. Vikki Kumar Son Of Late Abhay Kumar Singh Resident Of Village-
Vishupura, P.S.-Adapur, District-East Champaran
4. Sumi Kumari Daughter Of Late Abhay Kumar Singh Resident Of
Village-Vishupura, P.S.-Adapur, District-East Champaran
5. Administrator, Bihar State Road Transport Corporation, Patna Bihar
6. The Divisional Manager, Bihar State Transport Corporation, Muzaffarpur
Division, Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 28-09-2015

Heard the learned counsel for the appellant.

Learned counsel for the appellant has challenged the
judgment dated 07.08.2013 and award dated 22.08.2013 passed in
Claim Case No. 158 of 2007, whereby the claimant namely Savita
Devi and Others have been allowed the compensation.

The Tribunal has awarded the compensation amount
of Rs. 8,71,000/-. On account of earlier payment of Rs. 50,000/-,
the same was adjusted, Tribunal has awarded Rs. 8,21,000/- along
with the statutory interest @ 7% from the date of filing of the

claim application.

It appears from the record that the victim was travelling in the demised bus bearing Registration No. 05P-0556 from Motihari to Patna. On account of negligent and rash driving the said vehicle turned turtle and fallen in the river Ganga, in which several persons lost their lives including Late Abhay Kumar Singh.

The Insurance Company challenging the award on the limited ground that the owner has not obtained the road permit for running the said vehicle and as such it is the owner who has to pay the amount, not the Insurance Company. The Court and Hon'ble Supreme Court have repeatedly held that in such a case the insurance Company would pay the amount and the Insurance Company is at liberty to realize the amount awarded, if it is really a case of plying the vehicle without any valid permit.

With this observation, this petition is dismissed.

(Shivaji Pandey, J)

sushma/-

U			
---	--	--	--