

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.639 of 2011

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The Divisional Manager, ICICI Lombard General Insurance Company Limited, Apeejay House, 4th Floor, Kolkata through its constituted Attorney Legal Manager, Regional Office, Eldico Corporate Chamber, 1, 4th Floor, Vibhuti Kund, Gomti Nagar, Lucknow.

-----**O P - 2/Appellant**

Versus

1. Savitri Devi, wife of Late Sikandar Prasad Singh
2. Pulti Devi wife of Sri Kantilal Singh
3. Kantilal Singh, son of Late Genalal Singh
4. Dolly Kumari Daughter of Late Sikandar Prasad Singh
5. Khusbu Kumari, daughter of Late Sikandar Prasad Singh
6. Ranjana Kumar daughter of Late Sikandar Prasad Singh
7. Mausham Kumar, son of Late Sikandar Prasad Singh
8. Saurabh Kumar, son of Late Sikandar Prasad Singh
9. Sneha Bharti, daughter of Late Sikandar Prasad Singh

Respondent nos. 4 to 9 are minors under the guardianship of their mother, respondent no. 1 herein.

All residents of village Murli, P.S. – Rangra Chowk, District – Bhagalpur.

-----**Applicants/Respondents.**

10. Md. Sahud, son of Md. Murtaza, resident of Mazdoor Colony, Tikia Para, P.S. – Silliguri, District – Darjeeling.
(Owner cum driver of Truck No. WB-73B-0786)

-----**O P 1/Respondent.**

11. The Divisional Manager, ICICI Lombard General Insurance Company Limited, Silliguri, District – Darjeeling, West Bengal.

-----**O P 3/Respondent**

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Appearance :

For the Appellant : Mr. Rajesh Ranjan, Advocate
For the Respondent No. 1 to 9: Mr. Sanjay Kumar Tiwary, Advocate
For the Respondent No. 10 : Mr. Syed Firoz Raza, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 11-03-2015

Heard learned counsel for the parties.

This is an appeal preferred against Judgment and Award dated 23.04.2011 passed in Claim Case No. 70/2009 by Sri Pandey Anil Kumar, 2nd Additional District Judge, cum Motor Vehicle Accident Tribunal, Bhagalpur.

The only ground taken by the appellant is that the driving license of the offending vehicle was fake, but in view of the subsequent event i.e. report from the competent authority, brought to be taken into as additional evidence and the same is accepted which indicates that there was typing error in process of renewal of license which initially numbered as 336 of Book No. 39, but, subsequently there appears change as number 936 of Book No. 39 and this conversion of 336 into 936 misled the parties concerned, whereas undisputedly, it is 336 of Book No. 39 which is genuine and valid document making this appeal infructuous.

Consequently, without any interference this appeal stands disposed of.

Learned counsel for the appellant is directed to satisfy the Award in terms of direction by the Claim Tribunal below within a month.

Rajeev/-

(Akhilesh Chandra, J.)

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