

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.17 of 2013**

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1. The Branch Manager, The New India Assurance Company Limited, Branch Office near Caltex Petrol Pump, harher Mahadeo Chowk, Begusrai.

2. Regional Manager, Regional Office, The New India Assurance Company Limited, Patna (Bihar).

Appeal and Appellants through the Deputy Manager and Duly Constituted Attorney, Regional office, The New India Assurance Company Limited, 6<sup>th</sup> Floor, BSFC Building, Fraser Road, Patna.

.... .... O.P. - 2 & 3/Appellants

Versus

1. Pano Devi, W/o Lt. Indradeo Sah
2. Amit Kumar, S/o Lt. Indradeo Sah
3. Amardeep Sah, S/o Lt. Indradeo Sah
4. Neeraj Sah, S/o Lt. Indradeo Sah
5. Rita Kumari, D/o Lt. Indradeo Sah
6. Preeti Kumari, D/o Lt. Indradeo Sah

(As per claim application respondent no. 2 – 6 is minor under the guardianship of natural guardian mother, Res. No. 1)

All the above are resident of village – Adarsh Nagar Lagoli, P.S. – Barauni, District – Begusarai.

.....Claimants/Respondents.

7. Mundrika Singh, S/o Kameshwar Singh, resident of Haziganj, Patna City, Patna, District – Patna. (Owner of Truck Regd. No. BEA-8971)

.... .... O.P. 1/ Respondents

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA**  
**ORAL ORDER**

8. 05-01-2015 Heard learned counsel for the appellant and  
learned counsel for the respondents.

This appeal has been preferred against order

dated 25.09.2012 passed by learned Adhoc A.D.J. – II, Begusarai, in M.V. Act 09/2009.

At this stage, learned counsel representing the claimant respondent nos. 1 to 6 agrees that in face of the genuineness of insurance of the vehicle is disputed and this appeal against order passed under Section 140 of the Motor Vehicles Act, is involved only with respect to such genuineness and still the insurer appellant has not paid a single penny owing to the present appeal. It would be in the interest of justice that the matter be left open to the Claim Tribunal below to decide all the issues, then and then only the concerned authority/person be directed to pay compensation as awarded and the claimant, for the present, shall not pursue interim (impugned) order passed against the appellant.

Learned counsel for the appellant has no objection, if this appeal is disposed of in the light of aforesaid submissions made on behalf of the claimant respondent nos. 1 to 6.

Accordingly, ordered.

The statutory amount deposited be transmitted to the Claim Tribunal below for further needfuls.

Taking into consideration the nature of controversy specifically related to the genuineness of the insurance, Claim Tribunal below is directed to expedite the hearing and preferably conclude within six months from the date of communication of the order and the parties at least present here are expected to cooperate.

Accordingly, this appeal stands disposed of.

Rajeev/-

**(Akhilesh Chandra, J.)**

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