

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.313 of 2013

=====

The Branch Manager, National Insurance Co. Ltd., Sasaram through its Chief Regional Manager and the Constituted Attorney, Regional Office, National Insurance Co. Ltd., 4th Floor, Sone Bhawan, Birchand Patel Marg, P.S- Sachivalaya, District- Patna.

.... Opposite Party No.2/Appellant.

Versus

1. Urmila Kuer, wife of Late Shyam Lal Singh.
2. Ranjan Kumar.
3. Ravi Kumar.
4. Chandan Kumar.

All 2 to 4 are minor sons of Late Shyam Lal Singh, represented through their legal and natural guardian mother Urmila Kuar.

All resident of village- Gangauli, P.O- Daruanagar, P.S- Dehri, District- Rohtas.

.....Claimants/Respondent Ist Set.

5. Sanjay Kumar Singh, son of Atal Bihari Singh, resident of village-Rarela and P.S- Chenari, P.O- Telari, District- Rohtas.
6. Rajesh Kumar, son of Birendra Prasad Kharwar, resident of Mohalla- Safullaganj, P.S- Sasaram Town, District- Rohtas.

.... Opposite Party No.1 & 3 (Owner & Driver) respectively/ Respondent 2nd Set.

=====

Appearance :

For the Appellant : Mr. Raj Kumar Singh Vikram, Advocate.

For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 07-04-2015

I.A. No.7769 of 2014:

Heard Mr. Raj Kumar Singh Vikram, learned counsel for the appellant.

This Interlocutory Application has been filed on behalf of the appellant to condone the delay of about 100 days in filing this Misc. Appeal.

For the reasons mentioned in this Interlocutory Application, the delay of 100 days in filing this Misc. Appeal is condoned and this Interlocutory Application No.7769 of 2014 is, accordingly, disposed of.

Now, I proceed to consider this Misc. Appeal on its own merit.

Heard Mr. Raj Kumar Singh Vikram, learned counsel for the appellant.

2. This Misc. Appeal has been filed on behalf of the appellant under Section 173 of the Motor Vehicle Act, 1988, against the Judgment/Award dated 22.01.2013/30.03.2013 passed by the Additional District Judge-IV-cum-Motor Vehicle Claims Tribunal, Rohtas at Sasaram (hereinafter referred to as “the Tribunal”) in Claim Case No.23 of 2010, whereunder the opposite party no.2/appellant was directed to pay Rs.5,21,000/- as compensation to the claimants after deducting Rs.50,000/- as already paid to the claimants as interim compensation within two months from the date of the Judgment and Award with a further direction that if the amount is not paid within the said period, the opposite party no.2/appellant would be liable to pay interest at the rate of 9% per annum till final payment of the said amount.

3. Learned counsel for the appellant submits that while the

owner of the vehicle, O.P./Respondent No.5, appeared in the case and filed written statement but he has not filed the road permit of the pickup van bearing Registration No.BR 24G-0548, as such, the opposite party no.2/appellant is not liable to pay the compensation.

4. Admittedly, the vehicle in question was insured with the National Insurance Company and no document was filed on its behalf to show that there was no road permit of the vehicle in question at the time of accident.

5. I find no infirmity and illegality in the impugned Judgment and Award. Accordingly, this Misc. Appeal stands dismissed. Let the statutory amount deposited by the appellant be returned to the Tribunal for needful.

(Rajendra Kumar Mishra, J)

P.S./-

U			
---	--	--	--