

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.406 of 2012

United India Insurance Company Ltd.

.... Appellant/s

Versus

Ahilya Devi & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Rana Randhir Singh, Advocate

For the Respondent No.3: Mr. Ram Anurag Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL ORDER

7 09-03-2015 Heard learned counsel appearing for appellant and learned counsel appearing for respondent no.3.

Learned counsel appearing for the appellants submits that there is very limited question relating to right of recovery of the awarded amount from the owner of the offending vehicle so it can be decided at this stage.

This is an appeal preferred against the judgment dated 31-3-2012 passed by 2nd Additional District Judge-cum- Motor Accident Claims Tribunal, Hajipurin Claim Case No. 47 of 2001 directing the appellant United India Insurance Co. Ltd. ,opposite party no. 2 to pay a sum of Rs. 2,38,500/- deducting the amount paid under section 140 of the Act.

It is submitted by learned counsel for the appellant that the offending vehicle has no road permit when it had already met with an accident i.e. on 15th May2001. As per report of the Investigator (not on record as an exhibit) the permit was issued on 25th May,2001 and the same

was valid till 8-6-2001. There is nothing to show whether any such permit was issued earlier by the competent authority or not. Learned counsel for the respondent, owner of the offending vehicle is not in a position to throw any light on the issue.

In view of above, Insurer/appellant is directed to satisfy the award if, it is yet not satisfied in terms of direction of the M.V. Accident Claim, Tribunal Hajipur, within a month with a liberty to, initiate proceeding for recovery of the amount so paid from the owner (respondent no. 3) only in the event of proper verification about its genuineness of its claim keeping right of respondent no. 3 to contest, alive.

With above modification/ liberty granted to the Insurer/appellant, this appeal stands disposed of .

(Akhilesh Chandra, J)

Naresh/-

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