

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.520 of 2014

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1. The Branch Manager United India Insurance Company Ltd., Girls High School Road, Katihar, District-Katihar.
 2. The Divisional Manager, United India Insurance Company Ltd., At, P.O. + P.S. & District- Bhagalpur.

.... Appellant/s

Versus

1. Geeta Devi, W/o Late Kulanand Roy.
 2. Chotu Roy (minor) S/o Late Kulanand Roy.
- All are resident of Village + P.O. + P.S.- Nauhatta, District - Saharsa.
3. Chatura Nand Roy, son of Fuleshwar Roy, resident of Debipur, Muradpur, P.S. -Kursela, District- Katihar. (driver of alleged vehicle).
 4. Naveen Kumar Singh, son of Parmanand Singh, resident of Laxmipur, P.S.- Barari, District- Katihar. (owner of alleged vehicle bearing no. BR-06A-4115).

.... Respondent/s

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Appearance :

For the Appellant/s : Seema Kumari

For the Respondent/s : Mrs. Soniya Bajaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 24-11-2015 Heard learned counsel for the appellants and learned counsel for the respondents.

In the present case, the limited question has been raised that the court below while passing the order in Claim Case No. 220 of 2009, has not given liberty to Insurance Company to recover the amount from the owner/driver of the vehicle.

As per the claim of the Insurance Company, at the time of accident, the owner of the vehicle did not have a proper permit and the driver was not holding a proper driving license. For a limited purpose, there is no need to issue notice. If the Insurance

Company is of the view that the driver was not holding a proper driving license and the owner was not holding a proper permit of that route, the Insurance Company will have liberty to file a proper application before the court below and the court below after giving notice to the other side, will enquire into the matter and pass the order in accordance with law.

Insurance Company is directed to make payment within two months from today, compensation amount.

The statutory amount which has been deposited by Insurance Company is remitted back to the court below, will be subject to result of the proceeding.

Accordingly, this appeal is disposed of.

(Shivaji Pandey, J)

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