

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.622 of 2012

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United India Insurance Company Ltd.

.... Appellant/s

Versus

Md. Raqib & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Priyadarshi

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 24-08-2015

Heard counsel for the appellant and the respondents.

The appeal is barred by limitation. The appellant has explained the delay of 71 days in filing the appeal is condoned and the limitation petition is allowed.

In this case the lower court has awarded the amount of Rs.2,15,000/- on the death of a minor boy who met with an accident on 22nd August 2009 by a tempo bearing Regd. No. BR-39A /6726. The court found that the 3-wheeler in question was under insurance coverage and found that on account of rash and negligent driving, the minor boy had received injury and succumbed to it.

The counsel for the respondents submits that in that fatal accident not only the minor boy had died but later on his mother also succumbed to the injury. The case of mother is not before this Court. This Court is not required to consider the with

regard to death of mother.

The amount of Rs.2,15,000/- has been awarded in favour of claimant which cannot be said to be illegal and unjustified in view of judgment of Hon'ble Court Kishan Gopal v. Lala (2014)1 SCC 244. This Court is of the view that the lower court has rightly passed the order which has not been disputed by the counsel for the appellant.

In such view of the matter, this appeal is dismissed with a direction to the Insurer to deposit the award amount within two months from to-day and Rs.25,000/- i.e. statutory amount which is lying in this Court be remitted to the court below which will be paid to the claimant which will be adjusted against the amount to be paid.

Accordingly, this appeal is dismissed.

(Shivaji Pandey, J)

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