

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1181 of 2014

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Oriental Insurance Co. Ltd., Divisional Office, Muzaffarpur (opposite party no. 2 in claim case no. 173/10 before Addl. D J (II)-cum-Motor Accident Claims Tribunal, Muzaffarpur) through its Regional Office at Pirmuhani, Kadam Kuan, Patna- 3)

.... Petitioner

Versus

1. The State of Bihar through the Secretary-cum-Legal Remembrancer, Department of Law, Government Of Bihar, Patna
 2. Ramdeo Bhagat Son Of Late Saudagar Bhagat (husband of deceased Rajkumari Devi and claimant no. 1 in claim case no. 173/10 before Addl. D J (II)-cum- Motor Accident Claims Tribunal, Muzaffarpur),
 3. Mithilesh Bhagat son of Ramdeo Bhagat (son of deceased Rajkumari Devi and claimant no. 2 in claim case no. 173/10 before Addl. D J (II)-cum- Motor Accident Claims Tribunal, Muzaffarpur),
- Both respondent nos. 2 and 3 residents of village and PO Gidha, PS Saraiya, District- Muzaffarpur
4. Sanjay Kumar @ Sanjay Kumar Thakur Son of Sri Rajeshwar Thakur (owner and driver of Mahendra Marshal Jeep No. BR-01P-0901 and opposite party no. 1 in claim case no. 173/10 before Addl. D J (II)-cum- Motor Accident Claims Tribunal, Muzaffarpur), resident of village- Madhubani, PS Mushahari, District- Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar Shrivastava, Advocate

For the Respondents: Mr. Nasim Yahya, GP 13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-12-2015

The present writ petition has been filed for quashing judgment and order dated 16.08.2013 passed by the Additional District and Sessions Judge (II) – cum - Motor Accident Claims Tribunal, Muzaffarpur in Motor Vehicle Accident Claim Case No. 173 of 2010 directing the petitioner-Oriental Insurance Co Ltd., Divisional Office, Muzaffarpur to pay ad-interim compensation of Rs. 50,000/- with 6% interest from the date of the order to the claimant

no.1 - Ramdeo Bhagat (husband of deceased Rajkumari Devi), the respondent no.2 herein.

2. Learned counsel for the petitioner submits that even though the petitioner-Company was represented before the Tribunal, its defence could not be properly placed and hence the Tribunal had passed the order containing manifest error apparent on the face of the record.

3. Learned counsel for the respondents, on the other hand, submitted that the petitioner has alternative remedy available to it for redressal of its grievances including by way of appeal under Section 173 of the Motor Vehicles Act and as such, the present writ petition ought not to be maintainable.

4. This Court makes no observation on the merits of the matter and the writ petition is disposed of with liberty to the petitioner to avail of any statutory remedy as may be available to it, in accordance with law.

(Vikash Jain, J)

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