

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.150 of 2011

1. Indu Devi, wife of late Bishwanath Singh

2. Santosh Kumar

3. Shailesh Kumar

Both sons of late Bishwanath Singh

4. Rinku Kumari

5. Priyanka Kumari

Both minor daughters of late Bishwanath Singh

Appellant Nos. 4 and 5 are minors through their mother guardian Indu Devi,
Appellant No. 1.

All residents of Village-Farheda, P.O. & P.S.-Dighwara, District-Saran.

.....Claimants/Appellants

Versus

1. The National Insurance Company Limited, Kishanganj Branch, Hospital Road,
Kishanganj, District-Kishanganj.

2. Manoj Kumar Sah, son of Laxman Prasad, resident of Bahadurganj, P.S.-
Bahadurganj, District-Kishanganj.

3. Harmindar Singh @ Billu Singh, son of Bachchan Singh, Town-Kishanganj,
Dharamganj Sales Tax Chowk, P.S.-Kishanganj, District-Kishanganj.

.....Opposite Parties/Respondents

Appearance :

For the Appellants : Mr. Nagendra Rai, Advocate

Mr. Navin Nikunj, Advocate

For the Respondent No. 1 : Mr. Ashok Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 29-01-2015

Heard learned counsel for the appellants and learned
counsel for the respondent no. 1, National Insurance

Company Limited.

2. This appeal has been preferred against the order dated 13th July, 2010 passed by learned District Judge, Purnea in Motor Vehicle Claim Case No. 12 of 2007 dismissing the application under Section 166 of the Motor Vehicles Act, preferred by the claimant-appellant no. 1, only on the ground that earlier Claim Case No. 16 of 1998 under Section 140 of the Motor Vehicles Act was disposed of by learned 3rd Additional District Judge, Purnea on 12th June, 2000, wherein, the Award was realized based on no fault claim.

3. Learned counsel appearing on behalf of the appellants tried his level best to dispute the order impugned, but had no option left with in view of a decision of this Court in a case “**Veena Devi & Ors. Vs. Ram Nandan Prasad & Ors.**” reported in **2013 (2) PLJR 123**.

4. Accordingly, finding no merit, this appeal is hereby dismissed.

(Akhilesh Chandra, J)

Praveen-II/-

U			
---	--	--	--