

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.526 of 2012

(Arising out of Judgment dated 06.06.2012 and Award dated 25.07.2012 passed by 1st Additional District Judge cum M.V.A. Claim Tribunal, Rohtas at Sasaram in Claim Case No. 127/2008)

1. Most. Punam Kuer W/O Late Satendra Chaudhary.

2. Binay Chaudhary

3. Bikash Chaudhary

Both are minor sons of Late Satendra Chaudhary, represented through their mother and natural guardian, Most. Punam Kuer. All are resident of village - Bahusra, P.O and P.S- Dawath, District-Rohtas.

-----Claimants-----Appellants.
Versus

1. The United India Insurance Company Ltd, through Branch Manager, Branch Office, Sasaram, District- Rohtas.

-----O.P. No. 2 -- Respondent

2. Shri Seojag Tiwary S/O Sheo Kumar Tiwary R/O at Katarasmore, P.O- Jhariya, District- Dhanbad (Jharkhand).

-----O.P. No. 1-----Respondent

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Singh, Advocate

For the Respondent/s : Mr. Ram Chandra Lal Das, Advocate

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL JUDGMENT

Date: 02-02-2015

Heard learned counsel for the appellants and learned counsel for the respondent in Interlocutory Application as well as in the present appeal.

2. This is an appeal preferred against Judgment dated 06.06.2012 and Award dated 25.07.2012 passed by 1st Additional District Judge cum M.V.A. Claim

Tribunal, Rohtas at Sasaram in Claim Case No. 127/2008, seeking enhancement of the Award of Rs. 1,79,500/- by the Claim Tribunal.

3. Admittedly, the Claim Tribunal delivered its judgment on 6th June, 2012, and Award was signed on 25th July, 2013, but the claimant appellant simply applied for copy of Judgment and preferred the appeal on 17th August, 2012, without copy of Award which could be filed only on 9th May, 2013, after obtaining the certified copy, consequently, the appeal appears filed beyond period of limitation, for which some explanation appears given in Interlocutory Application No. 7437 of 2014, but that appears not inadequate.

4. However, during the course of argument, it is brought into notice that earlier on 30th July, 2013, there was an offer made by insurance company to pay a sum of Rs. 2,60,000/- which was, at the relevant time, not accepted to the appellants, now, it is acceptable and learned counsel representing insurance do not dispute such offer made and evident from the order dated 30th July, 2013, by a Bench of Lok Adalat.

5. In view of the above, the insurer respondent no. 1 is directed to pay a sum of Rs. 2,60,000/- within a month from the date of communication of this judgment deducting the amount already paid to the



claimants.

6. With the above modification in Award, this appeal is hereby disposed of.

Rajeev/-

(Akhilesh Chandra, J.)

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