

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21341 of 2014

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Smt. Pushpa Kumari, wife of late Ravi Ranjan Kumar, resident of Village Nima, Post Jamuk, P.S. Jehanabad, Dist. Jehanabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Commandant Battalion, Central Reserve Police Force, Malayapur, Jamui, Bihar.
3. Union of India through the Police Inspector General, Central Reserve Police Force, Patna.
4. The Police Inspector General (Operation), Bihar, Patna.
5. The Police Deputy Inspector General, Central Reserve Police Force, Patna.
6. The Regional Police Deputy Inspector General, Magadh Range, Bihar Police, Gaya, Bihar.
7. The New India Assurance Company Limited through Chief Regional Manager, Regional office- 7th Floor, B.S.F.C. Building, Frazer Road, Patna.
8. The Deputy Manager, The New India Assurance Company Limited through Chief Regional Manager, Regional office- 7th Floor, B.S.F.C. Building, Frazer Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Sandeep Kumar, GA-8

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 21-08-2015 Having regard to the fact that this writ application was

disposed of by an order dated 19.01.2015 which reads as follows:

"Heard learned counsel for the parties.

Having regard to the provision in clause-7 of the Memorandum of Understanding arrived between the Government of Bihar and the New India Assurance Company Limited, this Court would deem it expedient in the ends of justice to direct the competent authority of the State of Bihar to immediately refer the dispute relating to payment of compensation to the petitioner for arbitration. If such reference is made by the Government of Bihar, the New India Assurance Company Limited will be under an obligation to appoint an arbitrator failing which the Government shall take recourse of Section-11 of the Arbitration and Conciliation Act for appointment of an arbitrator.

The Government of Bihar will definitely complete this exercise within a period of three months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of."

Subsequently, M.J.C. No. 1432 of 2015 was filed on 01.07.2015 seeking modification in the order on the ground that the insurance company was ready to pay the amount to the writ petitioner instead of referring the matter to the arbitration and that such payment was also made on 21.08.2015 as recorded in the order dated 21.08.2015 in M.J.C. No. 1432 of 2015, which reads as follows:-

**"Miscellaneous Jurisdiction Case No.1432 of 2015
In
Civil Writ Jurisdiction Case No. 21341 of 2014**

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1. The New India Assurance Company Limited, through Chief Regional Manger, Regional Office, 7th Floor, BSFC Building, Frazer Road, Patna.
 2. The Deputy Manager, The New India Assurance Company Limited, through Regional Manger, Regional Office, 7th Floor, BSFC Building, Frazer Road, Patna.

.... Respondent nos. 7 & 8 in CWJC No. 21341/2014
Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Commandant, Central Reserve Police Force, malayapur, Jamui, patna.
3. The Union of India through the Police Inspector General, Central Reserve Police Force, Patna.
4. The Police Inspector General (Operation), Bihar, Patna.
5. The Police Deputy Inspector General, Central Reserve Police Force, Patna.
6. The Regional Police Deputy Inspector General, Magadh Range, Bihar Police, Gaya Bihar.

Respondent's no. 1 to 6 in CWJC No. 21341 /2014/ Respondent
1st Set.

7. Smt. Pushpa Kumari wife of Late Ravi Ranjan Kumar, resident of Village- Nima Post- Jamuk, P.S.- Jehanabad, District- Jehanabad.

Petitioner in CWJC No. 21341 /2014/ Respondent 2nd Set.

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh Vikram, Advocate.
For the Respondent/s: Mr. Sandeep Kumar, GA-8

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

Heard learned counsel for the parties.

Pursuant to the earlier order of this Court dated

23.07.2015, which reads as follows:

"Having regard to the prayer made in this modification application that the Insurance Company on its own volition is ready to pay the amount of compensation to the writ petitioner Smt. Pushpa Kumari a sum of Rs.16,75,000/-, this Court in order to test the bonafide of the Insurance Company would direct it to produce the Bank draft/ Banker's cheque in the name of Smt. Pushpa Kumari not only for the aforementioned amount of Rs.16,75,000/- but also amount of interest @ 8% per annum for the period of 2½ years keeping in view the repudiation claim by the Insurance Company on 23.1.2013.

Put up this case after four weeks under the same heading."

learned counsel for the New India Assurance Company Limited had produced a bank draft of a sum of Rs. 19,50,196/- (Nineteen lacs fifty thousand one hundred ninety six only) against the amount of Rs. 20,18,995/- (twenty lacs eighteen thousand nine hundred ninety five only) explaining that rest of the amount of Rs. 68799/- (Sixty eight thousand seven hundred ninety nine only) has been deducted by way of tax deduction at source (T.D.S.).

In that view of the matter, the order of this Court dated 19.01.2015 in C.W.J.C. No. 21341 of 2014 is recalled as the petitioner gets relief sought for in C.W.J.C. No. 21341 of 2014.

Let the bank draft produced by the learned counsel for the New India Assurance Company Limited be handed over to the learned counsel for the petitioner after obtaining receipts.

This application is, accordingly, disposed of.

In view of the aforesaid order this writ application has now become infructuous inasmuch as the petitioner has already got necessary relief.

Thus, this Court would recall order dated 19.01.2015 passed in this case and also dispose of the same as having become infructuous in view of the aforementioned order dated 21.08.2015 in MJC No. 1432 of 2015.

(Mihir Kumar Jha, J)

Sujit/-

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