

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4424 of 2014

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1. Ratnesh Kumar Son Of Late Babu Lal Prasad Resident Of Mohalla -
Chandni Chowk, N.H. 28, P.S. Brahmpura, District - Muzaffarpur
..... Petitioner/s

Versus

1. The United India Insurance Co. Ltd. Through Managing Director,
Divisional Office No. 17, 226 Canada Building 1st Floor, Dr. N. Road,
Fort Mumbai - 400 001
2. The M/S Hindustan Petroleum Corporation Ltd., (A Govt. Of India
Enterprise) Through Managing Director, Registered Office 17, Jamshedji
Tata Road, Mumbai - 400 020
3. The Rohan H.P. Gas Agency, Club Road, Mithanpura, P.O. Ramna,
District - Muzaffarpur
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Respondent/s : Mr. Ashok Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 30-09-2016 Heard Mr. Mani Bhushan Kumar for the petitioner, Mr.
Ashok Priyadarshi for the respondent United India Insurance
Company Ltd. (for short 'the Company') and the Counsel for the
respondent Hindustan Petroleum Corporation Ltd. (for short
'HPCL')

The writ application prays for a direction to pay the
insurance amount as well as compensation which includes interim
amount to the petitioner.

Mr. Priyadarshi has raised a preliminary objection. It is
submitted that under the policy taken by the respondent HPCL,
any such claim in terms of Section 6(2) of the Public Liability
Insurance Act, 1991 can be raised before the authority for

consideration/adjudication. The subsequent provision provides the procedure for adjudication of the case and issue of award. Until an award is passed by the competent authority, no such direction can be issued. The writ application, on this score, should fail.

Mr. Kumar, having appreciated the statutory provision relied upon by Mr. Priyadarshi, seeks permission of the Court to withdraw the application so that the petitioner may avail the remedy before the competent authority and would pray for expeditious disposal thereof.

The writ application is permitted to be withdrawn with the said liberty.

(Kishore Kumar Mandal, J)

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