

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3606 of 2013

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1. Kushmi Devi Wife Of Ram Pukar Mandal Resident Of Village - Baigna ,
P.S. - Aurai, District - Muzaffarpur
2. Ram Pukar Mandal Son Of Late Jagu Mandal Resident Of Village -
Baigna , P.S. - Aurai, District - Muzaffarpur

.... Petitioner/s

Versus

1. Haider Ali Son Of Md. Usman Resident Of Village And P.O. - Aurai,
District - Muzaffarpur
2. Divisional Manager, The Oriental Insurance Company Ltd. Aghoria
Bazar, Kalam Bagh Road, P.S. - Kazimohammedpur, District - Muzaffarpur
3. Smt. Chandni Devi W/O Late Munna Mandal (Now Remarried With Sri
Prem Mandal) Resident Of Village - Kothiya, P.O. - Chiraila, P.S. -
Gaighat, District - Muzaffarpur.

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Prasad Singh, Adv
For the O.I.C. Limited : Mr. Sanjay Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

4 04-02-2016 Heard learned counsel for the parties.

Admittedly, in motor vehicle accident one Munna Mandal died and Claim Case No. 87 of 2008 was filed by his widow and the present petitioners as applicants. The claim case was finally disposed of by award dated 03.06.2011, directing the Oriental Insurance Company Ltd., to pay sum of Rs. 1, 29, 500/- to the applicants with simple interest @ 6 per cent per annum through account payee cheque. The petitioners filed a petition on 16.11.2011 before the learned court below praying

for payment of amount of their shares in the amount of compensation separately. The learned court below by the impugned order has turned down the said prayer.

Learned counsel appearing for the Oriental Insurance Company Ltd., has expressed his readiness to pay the share of the petitioners in the total compensation amount by separate account payee cheque drawn in the names of the petitioner nos. 1 and 2 for the amount of their shares. It has also been jointly submitted by the learned counsel for the parties that the total amount of compensation along with interest comes to Rs. 1,56,237/- only and it has been further also accepted that the petitioner nos. 1 and 2 are entitled to one third share each in the said amount.

In view of the stand on behalf of the parties, the writ application is disposed of accepting the readiness of the Oriental Insurance Company Ltd., to pay the share out of the compensation amount to the petitioner nos. 1 and 2 through separate account payee cheque within a period of six weeks.

The writ application, accordingly, stands disposed of and the impugned order is modified accordingly.

(V. Nath, J)

Ranjan/-

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