

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.627 of 2009

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Divisional Manager Oriental Insurance Company Ltd. Bank Road

.... Appellant/s

Versus

Sharda Devi & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. ASHOK PRIYADARSHI, Advocate

For the RespondentNo.6: Mr. Bajarangi Lal, Advocate

For the respondent-claimant:- Mr. Vibhuti Ranjan Sonvadre, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date: 11-12-2017

1. Heard learned counsel for the appellant, respondent No.6 and respondents-claimants on this appeal.

2. It is submitted by the learned counsel for the appellant that the insurance policy was issued in favour of Dharmendra Singh, s/o:- Mukhdeo Singh, resident of LIG-24 Singarauli Sidhi and not in favour of respondent No.6, Sukhdeo Singh who is resident of district-Bhojpur, Bihar. But the award has wrongly been prepared against him finding Sukhdeo Singh to be the owner of the vehicle. It is also submitted by the learned counsel for the appellant that in M.A. No.656 of 2009 arising out of same accident and same P.S. case and regarding the same offending vehicle, this Court after perusing the insurance policy paper filed in the said case has been pleased to quash the Award and remit the matter back to the trial Court for deciding



the case afresh after giving due notice to the correct owner of the offending vehicle. The learned counsel for the respondent No.6 also submitted that offending vehicle was not insured in his favour.

3. As the vehicle in question is not insured in favour of respondent No.6, Sukhdeo Singh rather in the name of Dharmendra Singh S/o:- Sri Mukhdeo Singh, the insurance company is not liable to indemnifying the said Sukhdeo Singh. The award appears to have been prepared in the name of wrong person. As no notice has been issued to the actual owner of the offending vehicle. Hence the impugned Award passed by the learned lower Court is quashed and the case is remitted back to the learned trial Court to decide the case afresh after issuing notice to the actual owner of the offending vehicle and giving opportunity of hearing to him.

4. This Misc. appeal is accordingly disposed of.

Sanjeev/-

(Prakash Chandra Jaiswal, J)

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

