

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.360 of 2013

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1. National Insurance Company Ltd., Munger, Through Sri Anjani Kumar A.O. Cum Duly Constituted Attorney National Insurance Company S/O..... Regional Office 4th Floor Sone Bhawan, B.C. Patel Road, P.O- G.P.O, P.S- Sachiwalaya Patna District- Patna.
 2. National Insurance Company Ltd. Bhagalpur, Through Sri Anjani Kumar A.O. Cum Duly Constituted Attorney National Insurance Company S/O..... Regional Office 4th Floor Sone Bhawan, B.C. Patel Road, P.O- G.P.O, P.S- Sachiwalaya Patna District- Patna.

.... Appellant/s

Versus

1. Raja Rajiv Ranjan Singh S/O Late Vibhuti Singh Resident Of Village Malayapur, P.O- Malayapur, P.S- Barhat, District- Jamui
2. Fulmani Kumari D/O Late Vibhuti Singh Resident Of Village Malayapur, P.O- Malayapur, P.S- Barhat, District- Jamui
3. Inderawati Kumari D/O Late Vibhuti Singh And Late Vibhuti Singh Resident Of Village Malayapur, P.O- Malayapur, P.S- Barhat, District- Jamui
4. Gobind Gopal Gokhela Singh S/O Late Vibhuti Singh Resident Of Village Malayapur, P.O- Malayapur, P.S- Barhat, District- Jamui

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 13-07-2017

Challenging an interim award passed under section 140 of the Motor Vehicles Act, this appeal has been filed by the Insurance Company under Section 173 of the Motor Vehicles Act, challenging the interim award.

It is the case of the Insurance Company that the deceased died because of an assault made. It was a case of murder and not a case of accident, therefore no interim compensation could be



awarded. The learned Court has observed that the question as to whether the deceased died due to murder or it was an accidental death, has to be decided on the basis of evidence to be collected. At this stage, finding the deceased to have died, the interim compensation has been awarded.

On going through the original records, it is seen that the matter is pending before the Tribunal and the question as to whether the deceased died due to murder or it was an accident, is a question to be decided by the Tribunal on the basis of evidence to be collected in the trial. In the facts and circumstances of the case, I see no reason to make any indulgence into the matter. The appeal stands dismissed.

The Lower Court Records be also returned forthwith.

With the aforesaid, the appeal stands dismissed.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18/07/2017
Transmission Date	NA

