

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.322 of 2009

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National Insurance Company Ltd through its Divisional Manager having its Divisional Office at Shanti Market, Church Road, under the Township of Gaya insurer of Bus bearing Registration No. BHB 6218 represented through Shri Anjani Kumar working as A.O. and duly constituted attorney of National Insurance Company having its Regional Office at 4th Floor, Sone Bhawan, P.S.-Sachiwalaya, District-Patna

.... Appellant/s

Versus

1. Gauri Yadav, aged about 48 years and son of Gopi Yadav
2. Deorani Devi aged about 45 years wife of Gauri Yadav
3. Parwati Devi aged about 22 years widow of Late Birendra Yadav
All resident of Village-Balwantar, P.S.-Magadh University, District-Gaya
4. Udai Kumar Singh, son of Ram Pravesh Singh, resident of Village-Ballari,
P.S.-Mohanpur, District-Gaya, owner of Bus Number BHB/6218

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 20-07-2017

This is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act, challenging the liability imposed upon the Insurance Company. It is stated that driver of the vehicle in question was not having a valid license and, therefore the liability could not be imposed upon the Insurance Company.

A perusal of the award passed by the Tribunal goes to show that the Tribunal finding the driver to be having no valid license has applied certain principles of law laid down by the Supreme Court and has imposed the principle of pay and recover and has



granted liberty to the Insurance Company to recover the amount from the opposite party No. 4 i.e. the owner of the vehicle in question.

That being so and as the law laid down, the award passed by the Tribunal being in accordance with the requirement of law. The insurance company shall pay the amount as directed and therefore liberty shall be available to the Insurance Company to recover the same from the owner of the vehicle. The amount shall be disbursed to the claimant within a period of sixty days.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29/07/2017
Transmission Date	NA

