IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.320 of 2010

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Oriental Insurance Company Ltd. through the Regional Manager (legal Depatt.), Regional Office, Primohani, Kadamkuan, Patna (for the Branch Manager, the Oriental Insurance Company Ltd. Branch-Hajipur at Ramashish Chowk, near Sadar, P.S. District-Vaishali (Bihar).

.... O.P. No.1-Appellant/s

Versus

1. Sangeeta Raj, wife of Late Raj Kishore Singh,
2. Haresh Raj (Minor), son of Late Kishore Singh,
3. Shriya Raj (Minor daughter of Late Raj Kishore Singh),

SI. No.2 and 3 are under the guardianship of their mother (Sangeeta Raj), resident of Village- Sultanpur, P.S.- Desari, District- Vaishali.

Claimants- Respondents.

4. Sarvesh Kumar Singh, son of Sri Kamta Pd. Singh, resident of Village & P.O.- Sultanpur, P.S.- Desari, District- Vaishali.

O.P. No.2- Respondent.

5. Antu Devi, wife of Late Pankaj Kishore Priyadarshi,
6. Pintu Kumar, son of Late Pankaj Kishore Priyadarshi,
7. Sanni Kumar (Minor), son of Late Pankaj Kishore Priyadarshi,
8. Bablu Kumar (Minor), son of Late Pankaj Kishore Priyadarshi,

Under guardianship of their mother Antu Devi

All residents of Village- Chak Bihari, P.S.- Bidupur, District- Vaishali.

.... O.P. No.3-Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukteshwar Prasad Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 13-07-2017

This is an appeal under Section 173 of the Motor Vehicles Act by the Insurance Company whereby challenge is made to an order passed on 13.01.2010 by the Claims Tribunal, Vaishali in Claim Case No.59/2007 awarding interim compensation of Rs.50,000/- to the claimants under Section 140 of the Act.

The interim award is challenged merely on the ground that the vehicle was not properly insured and there was breach of the terms and conditions of the policy and, therefore, the award is unsustainable. At this stage when only Rs.50,000/- has been awarded under Section 140 of the Act, indulgence into the matter at the instance of the Insurance Company is not called for. The Insurance Company should satisfy the Tribunal and thereafter raise all the grounds available and the learned Tribunal where the matter is pending, if not already decided, would be at liberty to adjudicate the same in accordance with law while making the final award.

With the liberty aforesaid, finding no indulgence to be made into the matter at this stage only when an interim award is passed by the Tribunal, the appeal is dismissed.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2017
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