

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.703 of 2012

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The Oriental Insurance Co. Ltd., Divisional office Motijeel, Muzaffarpur through
Sri Anil Kumar Biswal And Duly constituted Attorney The Oriental Insurance
Company Ltd. Regional Office Pir Mohani Kadam Kuan Patna (Opp. Party No.2)

.... Appellant/s

Versus

1. Bimla Devi wife of Late Satyendra Choudhary Alias Satyendra Sah, Resident
Of Village Sahasram, P.S. Parihar, District Sitamarhi
2. Ranjit Pathak, Son of Jaideo Pathak, Resident of Village Bathnaha, P.O. and
P.S. Bathnaha, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Durgesh Kr. Singh, Advocate

For the Respondent/s : Mr. Pramod Kr. Mallick

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 13-07-2017

This is an appeal filed by the Insurance Company under
Section 173 of the Motor Vehicles Act challenging the judgment and
award dated 16.2.2012 and 22.5.2012, passed by the 1st Addl.
District Judge, Sitamarhi-cum-Motor Vehicles Claim Tribunal,
Sitamarhi in Claim Case No.23 of 1999. A question of law is raised
by the claimant to say that as the accident in question took place
within the territorial jurisdiction of Nepal, the Motor Accident
Claims Case in Sitamarhi District, in the State of Bihar, was not
maintainable.

At the very outset, learned counsel for the Insurance



Company invited my attention to a judgment and order dated 5.10.2012, passed by a coordinate Bench of this Court in M.A. No.782 of 2009 (Oriental Insurance Company Ltd. vs. Anarwa Devi & Ors., reported in 2013 ACC 469, to indicate that arising out of the same accident involving the same vehicle and on the same set of facts as in the case of Anarwa Devi (supra), the claim petition has been dismissed on account of the fact that the accident took place within the territorial jurisdiction of Nepal and the provisions of Motor Vehicles Act will not apply for such an accident.

Even though learned counsel for the respondent by placing reliance on a judgment of Punjab and Haryana High Court in First Appeal No.429/98 decided on 13.11.2010 (Smt. Sona Devi vs. Anil Kumar) tried to indicate that a contrary view has been taken in the aforesaid judgment with regard to an accident that took place in Nepal, I am of the considered view that for the same accident with regard to a claim petition filed by co-claimant, a Bench of this Court in the case of Anwara Devi having already rejected the identical claim, the same being binding on me and there being no reason to take a different view, in view of the grounds and reasons already indicated in the order dated 5.10.2012 passed in the case of Anwara Devi (supra), this appeal is also allowed. The award in question stands quashed and the statutory amount deposited by the Insurance



Company be refunded back to the Insurance Company.

The appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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