IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.792 of 2012

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Divisional Manager Do 1st, United India Insurance Company Limited, Times Of India Building, Frazer Road, Patna, Appeal And Appellant Through The Manager & Constituted Attorney, Regional Office, United India Insurance Company Limited 3rd Floor, Chanakya Towers, R- Block, Patna.

.... Appellant/s

Versus

1. Asha Devi W/O Lt. Daroga Prasad Rai Resident Of Mohalla Digha Ghat, Post Office Road, P.S- Digha, Distt- Patna.
2. Manish Kumar S/O Late Daroga Prasad Rai Resident Of Mohalla Digha Ghat, Post Office Road, P.S- Digha, Distt- Patna.
3. Ritu Kumari D/O Late Daroga Prasad Rai Resident Of Mohalla Digha Ghat, Post Office Road, P.S- Digha, Distt- Patna.
4. Nagendra Prasad S/O Jagdish Prasad Resident Of Village- Tulsipur, P.S- Makhdumpur, Distt- Jehanabad (Owner)
5. Sahid Khan S/O Gulam Khan Resident Of Mohalla Moratalab, P.S- Rahui, Distt- Nalanda (Dirver)

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Durgesh Kumar Singh, Adv
For the Respondent No. 1 to 3	:	Mr. Mukesh Prasad Singh, Adv
For the Respondent No 4 to 5	:	Mr. Abul Kalam, Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 13-07-2017

This is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act, calling in question the tenability of a judgment date 22^{nd} June, 2012 passed by the Additional District Judge, IX-cum - Motor Vehicle Accident Claim Tribunal, Patna in Claim Case No. 240 of 2011.

The appellant Insurance Company, herein has challenged the award solely on the ground that the driver of the vehicle in question was not having a valid license, and, therefore, the Insurance Company is not liable for compensation. On a perusal of the findings recorded by the Tribunal, from para 5 onwards, it is clear that the Insurance Company did not raise the specific ground with regard to any averments of the terms and conditions of the insurance. The written statement filed, was a general statement of denial and as the Insurance Company did not decide the question of driver having a valid license by raising specific plea and the Insurance Company having not raised the ground as required under law to substantiate the contention, I see no reason to award warranting reconsideration. The appeal stands dismissed.

Let Lower Court Records be returned forthwith.

(Rajendra Menon, CJ)

Shageer/-

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