IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.800 of 2013

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1. The Divisional Manager, United India Insurance Company Ltd. 2nd Floor, Ramanuj Bhawan 371 A.P. Colony, Gaya, Insurer Of Tempu Policy No. 210403/31/11/01/00000089 Valid From 2-4-11 To 11-4-12

.... Appellant/s

Versus

1. Kushum Kumari W/O Late Madan Kumar
2. Nikhil Raj S/O Late Madan Kumar
3. Nishant Raj S/O Late Madan Kumar All Are R/Village- Gawali, P.S.- Roh, District- Nawada Applicant No. 2 & 3 Are Minors
4. Mukesh Kumar Son Of Abhimanyu Singh Resident Of Panchugad, P.S.- Hisua, District- Nawada- (Owner And Driver Of The New Mahendra Tempu, Chessis No. Mailu2fwtb5b19503. Engine No. 11a9110128)

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. S. Parasmani, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-07-2017

This is an appeal by the Insurance Company challenging the award passed. The only ground raised is that the claim petition was not supported by documents like registration of the vehicle, licence and other documents and as compliance of the statutory requirements under the Motor Vehicles Rules as applicable in the State of Bihar is not done, there is a material irregularity in the award passed.

I am not inclined to accept the aforesaid contention of the appellant and dismiss the claim petition. The Motor Vehicles Act is a beneficial Legislation and even if there is some procedural violation with regard to the aspects as detailed by the appellant, on a perusal of the record it is seen that before the Tribunal at the time of trial the entire records of criminal case registered by Akbarpur Police Station in Akbarpur P.S. Case No.92 of 2011 were produced wherein the F.I.R. was available as Exhibit-2, the registration document was available as Exhibit-3. The policy documents and the insurance papers as Exhibit-3 and 4 respectively and the learned Tribunal decided the issues based on these documents which were already available on record before the Tribunal. The purpose of filing the documents is to prove the accident and merely because the claimant did not file these documents, the claim could not be rejected when at his instance the entire record of the criminal case was summoned and all these documents were available before the Tribunal. That apart, the Insurance Company did not prove that the licence in question was a fabricated document and when substantial evidence and documents are available on record to proceed, if the Tribunal has proceed on the same, the same cannot be a ground annulling the award.

Taking note of all these factors, this appeal is dismissed.

Office to refund the statutory amount deposited by the Insurance Company.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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