

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.321 of 2008

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National Insurance Company Ltd Gaya through its Authorized Signatory and Duly constituted Attorney Anjani Kumar National Insurance Company Limited. Regional Office, 4th Floor, Sone Bhawan, B.C. Patel Road, Patna

.... Appellant/s

Versus

1. Dinesh Bhokta, son of late Mahendra Singh Bhokta, resident of Village-Kawaliya, P.S. and P.O.-Barachatti, District-Gaya(Claimant)
2. Harbhajan Singh, son of Sauhi Singh, resident of Village-Dan Majra TBH PAYAL, District-Ludhiyana, Punjab(Opp. Party No. 2)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Priyadarshi, 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. 2 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	27/07/2017
Transmission Date	NA

