

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Appeal No.447 of 2012**

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The, National Insurance Company Ltd.

.... .... Appellant/s

Versus

Mostmat Noor Saba & Ors

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Raj Kumar Singh Vikram, Advocate

For the Respondent 1 to 5 : Mr. Pramod Kr. Mallick, Advocate

For Respondent No.6 : Mr. Bimlesh Kr. Jha, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL JUDGMENT**

**Date: 13-07-2017**

This is an appeal filed by the Insurance Company challenging the judgment and award dated 20.1.2012 and 17.2.2012 respectively, passed by the 1<sup>st</sup> Addl. District Judge-cum-M.V.C.T., Purnea in Claim Case No.51 of 2002.

The respondents claimants are the legal heirs of deceased Md. Salim who died on 25.4.2002 while undergoing treatment in a hospital after he had suffered injury in the accident that took place on 16.4.2002 at 2:00 p.m. The accident took place due to collusion between a tempo and a P.C.D. Truck and based on the evidence and material that came on record, a total compensation of Rs.2,50,000/- has been awarded of which the appellant Insurance Company has been directed to pay Rs.1,00,000/- and the rest amount of Rs.1,50,000/- to be paid by the United India Insurance Company. The remaining sum of Rs.1,50,000/- with interest as indicated in the



award.

*Inter alia* contending that the compensation has not been properly assessed, it is contended that the liability has been imposed upon the appellant Insurance Company whereas the accident took place due to the rash and negligent driving of the driver of the Truck insured with the respondent Insurance Company and the liability imposed upon the appellant Insurance Company is bad in law.

Having heard learned counsel for the parties, and on going through the detailed award passed, I find no error in the award.

The appeal is dismissed. The amount of Rs.25,000/- deposited by the Insurance Company be refunded back to the appellant Insurance Company.

**(Rajendra Menon, CJ)**

K.C.jha/-

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