

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.710 of 2009**

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Oriental Insurance Company Ltd, through its Divisional Manager Division-III, Sudama Place Kankarbagh, Patna through Sri Anil Kumar Biswal Deputy Manager cum Duly Constituted Attorney, the Oriental Insurance Company Limited, regional Office Pir Mohani Kadam Kuan, Patna

.... .... Appellant/s

Versus

1. Chandradeo Prasad Yadav, son of Late Laxman Gope
2. Anita Devi, wife of Late Jalendra Yadav
3. Ranjan Kumar, son of Late Jalendra Yadav
4. Rahul Kumar, son of Late Jalendra Yadav
5. Rohit Kumar, son of Late Jalendra Kumar, all residents of Naya Tola, Kumhrar, P.O. and P.S.-Agam Kuan, District-Patna
6. Mukul Sao, son of Laxman Sao, resident of Dariyapur, P.O. P.S.-Barahiya, District-Lakhisarai(Driver)
7. Amit Kumar, son of Parma Nand Singh, resident of Village-Pratap Pur P.O.-Dumri, P.S.-Barahiya, District-Lakhisarai,
8. Rajdeo Prasad, son of Laxman Prasad, resident of Naya Tola Kumhrar, P.O. and P.S.-Agam Kuan, District-Patna

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. ASHOK PRIYADARSHI  
For the Respondent/s : Mr.  
Mr. Braj Nandan Tiwary

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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 respondent No. 8 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/-

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| AFR/NAFR          | NAFR       |
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