

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.108 of 2009

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Divisional Manager National Insurance Company Division II Patna through Sri Anjani Kumar A.O. Cum and Duly constituted Attorney National Insurance Company Limited regional Office 4th Floor, Sone Bhawan, B.C. Patel Road, P.O. G.P.O, P.S.-Sachiwalaya, Patna, District-Patna

.... Appellant/s

Versus

1. Samunder Devi@Samundari Devi wife of Late Ramekbal Ram
2. Jitendra Kumar Alias Jitendra Ram, son of Late Ramekbal Ram
3. Gayatri Kumari, daughter of Late Ramekbal Ram
All residents of Mohall-Off Polo Road, behind of Quarter No. 2, P.O. G.P.O and P.S.-Gardanibagh, District-Patna
4. Dadan Ram, son of Lalan Ram, resident of Dalsagar, P.O. P.S.-Industry District-Buxar
5. Pramod Kumar, son of Sidhnath Thakur, resident of Civil Lines Buxar, P.S. & P.O.-Buxar, District-Buxar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. ASHOK PRIYADARSHI
Mr. Annamma Mathew

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 respondent No. 5 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	29/07/2017
Transmission Date	NA

