

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.655 of 2009

=====

Divisional Manager National Insurance Company, Divisional Office II, Patna
Arunachal Building Exhibition Road, 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. Anita Devi, wife of Late Rakesh Kumar
2. Ramanand Ram, son of Late Sohrai Ram
3. Smt. Kiran Devi, wife of Ramanand Ram
4. Janbi Kumari, daughter of Late Rakesh Kumar
5. Ramesh Kumar son of Late Rakesh Kumar
All residents of Mohalla-Madarsa Gali, Rajabazar, P.O.-Raja Bazar, P.S.-
Sastri Nagar, Patna, District-Patna
6. Sanyog Kumar, son of Satyawar Singh, resident of Village-Echahi, P.S. and
P.O.-Harnaut, District-Nalanda
7. Munni Lal son of Chote Lal resident of Mohalla-Station Road, Goriyatoli,
P.O. G.P.O P.S.-Kotwali, Patna, District-Patna

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. ASHOK PRIYADARSHI
For the Respondent/s : Mr.
Mr. Raj Kumar-5

=====

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. 6 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

