

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.772 of 2012

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Branch Manager Oriental Insurance Company Ltd., Begusarai Through Sri Dy.
Manager and Duly constituted Attorney the Oriental Insurance Company Ltd.
Regional Office Pir Mohani Kadam Kuan Patna

.... Appellant/s

Versus

1. Mahendra Kumar, son of Bimal Prasad, Resident of Village and P.O.
Sadanandpur P.S. Balia, District- Begusarai
2. Bholai Rai, son of Ramshary Rai, Resident of Village- Baijitpur Tola Banbari
P.S. Tajpur (Halat O.P.) District- Begusarai
3. Rizwana Khatoon, wife of Kalam Ansari, Resident of Village- Madhopur P.O.
Banauli, P.S. Simri and District- Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Priyadarshi, Advocate

For the Respondent/s : Mrs. Rekha Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

This is an appeal under Section 173 of the Motor Vehicles Act, 1988 by the Insurance Company. The Motor Accident Claims Tribunal in question has awarded a compensation of Rs. 2,35,000/- with simple interest at the rate of 7 per cent per annum to the claimant, legal heirs of the deceased, a five year old child, Md. Imamuddin, who died on 09.04.2007 in the accident that took place



involving a truck bearing No. BR 9B 7511. The truck was insured with the appellant Insurance Company. It was owned by Respondent No. 1 and was being driven by Respondent No. 2.

The only question involved in the matter is with regard to liability fastened on the Insurance Company and on a perusal of the findings recorded by the Tribunal, particularly, with regard to the liability fastened on the Insurance Company, it is seen that finding the driver to be driving the vehicle without a proper licence, liability has been fastened on the driver and owner of the vehicle and the Insurance Company has been directed to indemnify the claimant and under the principle of pay and recover, liberty has been granted to the Insurance Company to recover the amount from the owner and the driver.

That being the nature of the Award passed and the Insurance Company being at liberty to enforce their right of pay and recover, now it is not necessary for this Court to make any indulgence into the matter.

Granting liberty to the Insurance Company to take steps for recovery of the amount from the driver and the owner, the matter stands disposed of. The amount be paid by the Insurance Company to the claimant by depositing it with the Tribunal within a period of 60 days from the date of receipt of certified copy of this order. Statutory



amount if any deposited in the High Court be transmitted to the Tribunal for necessary settlement and payment to the claimant or by making adjustment as permissible under law.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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