

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.6520 of 2013

In
Miscellaneous Appeal No.87 of 2006

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The Oriental Insurance Company Ltd. Through Its Manager, Vijay
Agriculture Building, P.O. And P.S.- Pirmohani, District- Patna

... .. Petitioner/s

Versus

1. Bijendra Prasad Yadav Son Of Late Munshi Singh Presently Resident In House Of Vijay Shankar Singh, Resident Of Village- Mussainpur, P.S.- Khusrupur, District- Nalanda
2. Kamla Devi Wife Of Late Munshi Singh Presently Resident In House Of Vijay Shankar Singh, Resident Of Village- Mussainpur, P.S.- Khusrupur, District- Nalanda
3. Ashok Kumar Sah S/O Late Gauri Shankar Sah Resident Of Village- Hananpur, P.S.- Mannar, District- Vaishali
4. Md. Ishar Son Of Md. Yusuf Resident Of Village- Chand Colony Gay Ghat, P.S.- Alamganj, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Jha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 29-11-2017

This application has been filed for restoration of
M.A. No. 87 of 2006 which was dismissed for non-compliance of
the peremptory order dated 15.5.2012.

Keeping in view the reasons indicated in the
application and finding them to be *bona fide*, the same is allowed.
M.A. No.87 of 2006 is restored to its original file. As short
question is involved in the matter, M.A. is taken up for hearing and
being disposed of.

M.A. No.87 of 2006

This appeal has been filed by the Oriental Insurance



Company challenging an interim award granted by the learned Additional District Judge-XI, Patna in Claim Case No.157 of 2004 on 26.12.2005 whereby the Insurance Company has been directed to pay the interim compensation of Rs.50,000/- under the No Fault Liability Clause.

It is the case of the Insurance Company that the cheque issued for the premium amount bounced and, therefore, Insurance company is not liable to pay any compensation.

At this stage, when only interim power under Section 140 of the Motor Vehicles Act has been exercised and an interim award has been passed directing the Insurance Company to pay the interim award, no case for interference is made out.

The Insurance Company may raise all the objections in the written statement and the question can be considered and adjustment granted while deciding the issue finally.

For the present, finding no case for interence made out, the appeal is disposed of.

(Rajendra Menon, CJ)

K.C.Jha/-

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