

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10588 of 2016

=====

Umesh Sharma, Son of Late Prahalad Sharma, resident of village-Dewapur,
P.S.-Barauli, Distt-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector-cum-Claims settlement Commissioner/Chairman District Level Committee, Gopalganj.
3. The Sub Divisional Officer Cum Claim Inquiry Officer/ Member District Level Committee, Gopalganj.
4. The Divisional Manager The National Insurance Company Babunia Road, Chainpur Kothi Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Akhilesh Kumar, Adv.
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-11
For Respondent NO.4	:	Mr. Ashok Priyadarshi, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 25-09-2020

Heard learned Counsels for the petitioner, respondent-
State and Respondent No.4.

The present writ application has been filed for a
direction to the respondent authorities, particularly, Respondent
No.3, the Sub-Divisional Officer-cum-Claim Enquiry Officer,
Member District Level Committee, Gopalganj to make payment
of compensation from solatium fund for the death of the son of
the petitioner, namely, Ram Babu Sharma, who died in a hit and
run motor accident in the year 2008.



However, learned counsel for the petitioner confines his prayer only to the extent of a direction for disposal of the application submitted on 10.11.2008 by the petitioner before the Respondent No.3, as contained in Annexure-2, as per Solatium Scheme, 1989.

Learned counsel for the petitioner submits that the identity of the vehicle which hit the son of the petitioner causing his death could not be ascertained, but since the application was submitted before the Respondent No.3, the Sub-Divisional Officer, being the Claim Enquiry Officer, hence, the same may be disposed of. The petitioner has impleaded National Insurance Company as party respondent in the present proceeding for the proper adjudication of the issue involved.

It is submitted by Mr. Ashok Priyadarshi, learned counsel for the Respondent No.4 that if the identity of the vehicle in question could not be ascertained, no claim can lie against the Insurance Company.

Though this Court finds substance in the submission of learned counsel for the Respondent No.4, however, keeping in view, the confined prayer of the learned counsel for the petitioner, this Court is not expressing any opinion on the merits of the claim of the petitioner. However, it is expected from the



Respondent No.3, the Sub-Divisional Officer-cum-Claim Enquiry Officer, Member District Level Committee, Gopalganj to dispose of the application of the petitioner, as contained in Annexure-2, within a period of four weeks from the date of receipt/production of a copy of this order, in accordance with law.

Accordingly, the writ application stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-Anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

