

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.65 of 2012

1. Most. Jyoti Devi W/o Late Arun Kumar Kashera
2. Ankit Kumar S/o Late Arun Kumar Kashera
3. Anshu Kumar S/o Late Arun Kumar Kashera
4. Monu Kumar S/o Late Arun Kumar Kashera
5. Gourab Kumar S/o Late Arun Kumar Kashera

All are residents of Janki Prasad Lane, P.S. Mundichack And District - Bhagalpur

... .. Appellants

Versus

1. Narayan Prasad Yadav, Son of Sri Ram Prasad Yadav, resident of Bijaynagar, P.O.-Banka and District – Banka.
2. Munna Kumar Rajak, Son of Sahdeo Baitha, resident of District – Banka, at present residing at Rajoun, District – Banka.
3. Branch Manager, Oriental Insurance Co. Ltd, Patna.
4. The Divisional Manager, Oriental Insurance Co. Ltd., Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ganpati Trivedi, Advocate.
For Respondent nos. 3 and 4	:	Mr. Barun Kumar Choudhary, Advocate. Kumari Khusboo, Advocate.
For the Respondent nos. 1 and 2	:	Mr. Sanjay Kumar Tiwary, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date : 27-11-2018

Heard learned counsel for the appellants and learned counsel for the respondent nos. 3 and 4 on this miscellaneous appeal.

This miscellaneous appeal has been preferred by the appellants for enhancement of the quantum of compensation awarded by the learned Tribunal against the judgment dated 03.06.2011 and award dated 27.06.2011 passed by the Fast Track Court-I cum Motor Accident Claim Tribunal, Bhagalpur in Claim Case No. 160 of 2004 whereby the learned Tribunal allowing the claim petition has awarded compensation to the



tune of Rs. 1,72,334/- along with the interest at the rate of 6% per annum from the date of the order.

At the very outset of the argument of this appeal, I find that though the learned Tribunal allowing the claim petition has found the claimants entitled to the compensation to the tune of Rs. 1, 72, 334/- along with the interest at the rate of 6% per annum from the date of the order, but it has not given any finding regarding the person liable for the payment of the aforesaid compensation to the claimants i.e. either the Insurance Company or the owner of the offending vehicle.

In the facts and circumstances of the case, without going into the merit of the case, aforesaid judgment and award passed by the learned Tribunal is set aside and the case is remitted back to the learned Tribunal to pass fresh order fixing the liability of the payment of compensation within one month from the date of receipt/production of a copy of this order.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.11.2018
Transmission Date	29.11.2018

