

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.678 of 2018

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1. Most. Rajani Devi, Wife of Late Dharendra Kumar Patel.
 2. Dristi Kumari, Minor D/o of Late Dharendra Kumar Patel

Petitioner No.2 is Minor Daughter of Late Dharendra Kumar Patel under the guardianship of their mother-Petitioner No.1. Both are Resident of Mohalla-Sahebganj Dharam Katta Gali, near Chhoti Masjid, P.O. Chapra (GPO), P.S. Chapra Town, District-Saran.

.... Petitioners

Versus

1. Bangali Rai, S/o Mohan Rai, Resident of Village-Shitalpur Topal Chhota Chapra, P.O. Arvind Nagar, Dighwara, P.S. Dighwara, District-Saran.
2. Lal Saheb Rai, S/o Jalim Rai, Village-Chhatar Arvind Nagar (Dighwara), P.S. Dighwara, District-Saran, Chpara.
3. ICICI Lombard General Insurance Company Ltd. through Legal Manager, ICICI Lombard, Uma Complex, 3rd Floor, Fraser Road, Patna-800001.
4. Meena Devi, W/o Late Bishwanath Prasad, Village and Mohalla-Sahebganj, Dharm Katta Gali, Near Chhoti Masjid, P.O. Chapra (GPO), P.S. Chapra Town, District-Saran, Chapra.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Mukesh Prasad Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-07-2018

Heard learned counsel for the petitioners.

This Civil Miscellaneous petition is filed under Article 227 of the Constitution of India against the order dated 28.03.2018 passed in Claim Case No.11/2016 by Additional District Judge-II-cum-Motor Accident Claims Tribunal, Saran at Chapra by which the learned Tribunal directed to apportion the compensation amount to three dependents of the deceased.

The admitted facts are that Dharendra Kumar Patel died



in motor accident. His widow Most. Rajani Devi and daughter filed Claim Case No.11/2016. Meena Devi, the mother of the deceased was made Opposite Party No.4. The case was compromised and according to compromise, the order was passed by the Tribunal that the ICICI Lombard General Insurance Company Ltd. was directed to pay a sum of Rs. 25 lac to the Claimants but the O.P. No.4 Meena Devi, the mother of the deceased filed petition that she was not party to that compromise and no compensation was paid to her. On such, the learned Tribunal vide order dated 10.10.2017 revived the Claim Case No.11/2016. All the parties including the petitioners, widow, daughter and mother of the deceased appeared in Court and requested the Court to pass appropriate order. On such, the Court vide order dated 28.03.2018 ordered that the amount of compensation should be divided in three equal share among three claimants i.e. widow, daughter and mother of the deceased.

Learned counsel for the petitioners submits that once the case is revived the same should be decided on merit but I find no force in submission of the learned counsel for the petitioners. Since there was compromise Award but the Award was distributed only among widow and daughter of the deceased and the mother of the deceased, who was also dependent on the earning of the



deceased was left out and no amount of compensation was given to her. Accordingly, on the basis of compromise and the Award granted to the claimants, the Court ordered for distribution of the Award among all the three dependents of the deceased.

Thus, I do not find any illegality in the order impugned. Accordingly, this Civil Miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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