

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1244 of 2017

1. Raj Kumar Bansal, son of Sri Rampal Jhunjhunwala, resident of Muhalla- Gullowara, P.S.- Town, District- Darbhanga.
2. Shashi Bansal, son of Sri Lakshmi Narayan Bansal, resident of Basantgama, P.S.- Town, District- Darbhanga.

... .. Petitioners

Versus

1. Kiran Devi, widow of Late Arjun Panjiyar,
2. Khushboo Kumari, minor daughter of Late Arjun Panjiyar,
3. Ankur Kumar, minor son of Late Arjun Panjiyar,
4. Anand Kumar, minor son of Late Arjun Panjiyar, Respondent no.2 to 4 all represented through their mother Kiran Devi, Respondent no. 1 to 4 all residents of Muhalla- Madarpur, Ward No.28, P.O.- Lalbagh, P.S.- Laheriasarai, District- Darbhanga.

... .. Respondents 1st Set

5. The Oriental Insurance Company Ltd. Branch Office Darbhanga, Near Sakmapul, Mirzapur, Main Road, Darbhanga- 846004.

... .. Respondent 2nd Set

Appearance :

For the Appellant/s : Mr. Diwakar Upadhyaya
For the Respondent/s : Mr. Bimlesh Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 06-09-2018

Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the Oriental Insurance Company.

2. The petitioners have filed this civil miscellaneous petition against the order dated 28.02.2017, passed in Claim Case No.85 of 2013 by learned Motor Vehicle Accident Claim Tribunal-



cum-5th Additional District Judge, Darbhanga by which the petition of the petitioners for non-maintainability of Claim Case No.85 of 2013 has been dismissed.

3. According to the case of the petitioners, the petitioner Raj Kumar Bansal was the pillion rider of the motorcycle and petitioner no.2, Shashi Bansal is the owner of the motorcycle. Arjun Panjiyar was driving the motorcycle at the time of the accident. The offending vehicle is the pick-up van which dashed the motorcycle causing death of Arjun Panjiyar, the driver of the motorcycle and injuring Raj Kumar Bansal, the petitioner no.1. Raj Kumar Bansal did not file any claim case either against the insurer of the motorcycle or against the owner, driver and insurer of the pick-up van which according to him is the offending vehicle but at the same time filed petition that the claim case filed by Kiran Devi and others, the dependents of Arjun Panjiyar, is not maintainable against the owner of the motorcycle. The same petition was dismissed by the Motor Vehicle Accident Claim Tribunal holding that the claimants can file claim petition jointly or separately against the vehicles involved in the accident. If the offending vehicle, pick-up van, would not be located, the dependents of the deceased may file claim case against the insurer and owner of the vehicle on which the deceased was travelling.



4. Having considered the facts, I do not find any illegality in the order impugned. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2018
Transmission Date	NA

