

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.1735 of 2017**

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1. Abdul Latif Son of Late Haji Abdul Hai, Resident of Village- Manjauli,  
P.O.+ P.S.- Pranpur, District- Katihar.

.... .... Petitioner/s

Versus

1. National Insurance Company, Ltd. Katihar.  
2. Mosmat Lutfa Parween, W/o Late Md. Shamim Akhtar,  
3. Rabiya Begam, W/o Abdul Latif, both one Resident of Village- Manjauli,  
P.O. & P.S.- Paranpur, District- Katihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Md. Helal Ahmad

For the Respondent/s : Mr. Ashok Priyadarshi

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR  
JHA  
ORAL ORDER**

2      09-10-2018      Heard both sides.

The petitioner has filed this civil miscellaneous petition against the order dated 24.03.2015 passed in Motor Vehicle Claim Case No.27 of 2014 by which the mother of the deceased was added as respondent but the father of the deceased was not added as respondent.

Learned counsel for the petitioner submits that mother and father along with his child are necessary party in the claim case filed for grant of compensation of the deceased who died in motor accident.

Mr. Ashok Priyadarshi, learned counsel for the National Insurance Company Ltd. submits that mother is already a party.



The compensation amount shall be decided according to the rule of succession.

Taking into consideration the facts that wife of the deceased filed claim case but she did not make mother and father of the deceased as the claimants. The mother and father of the deceased filed petition but the learned Tribunal only impleaded mother of the deceased as respondent. I am of the view that the father be also added as respondent who shall file petition claiming compensation. Accordingly, with this observation, this civil miscellaneous petition is disposed of.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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