

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.502 of 2016

Branch Manager, National Insurance Company Ltd. Regional Office, National Insurance Company Ltd, 4th Floor, Sone Bhawan, B.C. Patel Marg, P.S. Sachivalaya, District Patna.

... .. Appellant/s

Versus

1. Samsir Alam, son of Late Satiur Rahman
2. Sahna Khatoon, wife of Samsir Alam Both are residents of village Charaiya, P.S. Baisi, District Purnia.
3. Asin Ali son of Md. Ibrahim resident of Karus More, P.S. Chauthan, District Khagaria owner of the Truck bearing No. BR - 34G - 1210.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kumar Singh Vikram, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 30-01-2019

There is delay of three days in filing of this appeal and the delay is explained in the petition filed under Section 5 of the Limitation Act, vide I.A No. 4547 of 2016.

Hence, the delay is condoned.

The limited point raised by the appellant National Insurance Company Limited, Khagaria is that the Tribunal has not allowed the right to recover in favour of the appellant against the owner of the vehicle because the appellant had raised the issue violation of the terms and condition of policy of insurance by the owner of the vehicle in different ways.

In such circumstances, the insurer would pay to the claimant of third party and then he can recover from the owner if



the case of recovery is made out. Reference may be made to the case of **Manuara Khatun & Ors vs Rajesh Kumar Singh & Ors reported in AIR (2017)SC 1204.**

The registry shall remit the statutory amount deposited at the time of filing of this appeal in the name of claimant No. 2 Sahna Khatoon, mother of the deceased and the same shall be adjusted against final payment.

With the aforesaid observation, this appeal stands disposed of.

(Birendra Kumar, J)

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Uploading Date	
Transmission Date	

