

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.346 of 2010

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Divisional Manager, United India Insurance Co. Ltd., Division No.2,
Exhibition Road, P.O.-G.P.O., District-Patna (Insurer of Tractor No. BR-1Y-1858)

... .. Appellant/s

Versus

1. Bhola Rai S/O Jalal Rai
2. Manti Devi W/O Late Bhola Rai. Both R/O Vill.-Mahinawan Bagicha, P.S.-Maner, Dist.-Patna.
3. Bajrangi Rai S/O Late Nokhe Lal Rai R/O Digha Ghat, P.S.-Digha, Dist.-Patna (Driver of Tractor No. BR-1Y-1858)
4. Chandradeo Singh S/O Late Moshafir Singh R/O Vill.-Ratan Tola, P.O. and P.S. Maner, Dist.-Patna Owner of Tractor No.BR-1Y-1858)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prakash Kumar, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-03-2019

Heard learned counsel for the appellant.

2. No one appears on behalf of the respondents.

3. This miscellaneous appeal has been preferred, under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award dated 09.10.2009, passed by the learned 3rd Additional District Judge, Patna-cum-Motor Accident Claim Tribunal, Patna in Claim Case No.186 of 2006.

4. The United India Insurance Company Ltd. has challenged the award made by the Tribunal by judgment dated 09.10.2009 in Claim Case No. 186 of 2006, whereby the Tribunal has allowed compensation of Rs. 3,64,500/- in favour of the parents of



late Junarbi Rai, who met with an accidental death, caused by a tractor. The tractor was ensured with the appellant. Hence, liability has been fixed against the appellant.

5. The appellant has already paid Rs. 50,000/- by way of ad interim compensation. Hence, the appellant was required to pay Rs. 3,14,500/- along with six per cent interest per annum from the date of filing of the claim petition.

6. The appellant has challenged the award on the ground that the driver had no valid driving license. Hence, there is violation of terms and conditions of the policy.

7. The law is well settled that the appellant shall pay and recover from the owner, if a case of recovery is made out.

8. With the aforesaid observation, this appeal stands *dismissed* with liberty to the appellant to pursue the matter according to law.

9. Let the statutory amount be sent, through cheque in the name of the claimants, to the court below for payment and adjustment.

(Birendra Kumar, J)

Abhishek/Banti-

AFR/NAFR	NAFR
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