

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.748 of 2014

Against the order dated 29.09.2012 passed by the learned Adhoc Additional District Judge-I-cum-Claim Tribunal, Munger in Claim Case No. 56 of 2010.

Madhulika Kumari, Wife of Deepak Kumar Singh, resident of Village - Bari Ashikpur, Jamalpur, P.S. - East Colony. P.O. - Jamalpur, District - Munger.

... .. Appellant/s

Versus

1. Jai Prakash Singh, Son of Late Yamuna Singh,
2. Mrityunjay Prashar,
3. Simant Prashar @ Simant Kumar,
4. Saurabh Kumar, All sons of Jai Prakash Singh,
5. Smriti Prashar,
6. Priyadarshini Prashar, All daughters of Jai Prakash Singh, All residents of Village - Chetan Tola, Khutaha, P.S. - Barahiya, P.O. - Khutaha, District - Lakhisarai, presently residing at Village - Rampur, P.S. - Jamalpur, District - Munger.
7. Ram Shankar Singh, (authorized insurer) duly constituted Attorney, Bajaj Allianz Insurance Company Ltd., M/S Mangal Auto, Munger, P.O. Munger, P.S. Kotwali, District Munger
8. Bajaj Allianz General Insurance Company Ltd., registered office G.F. Plaza, Airport Road, Yerwada, Pune – 411006 (Maharashtra)
9. General Manager, Bajaj Allianz General Insurance Company Ltd., 504, Mahavir Towers, Opposite Church Complex, Main Road, Ranchi - 854001 (Jharkhand)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Baua Jha, Advocate Mr. Prashant Sinha, Advocate
For the Respondent/s	:	Mr. Uttam Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 22-01-2019

Heard learned counsel for the parties.

2. This matter has been listed under the heading

“For Orders on Office Notes” but with the consent of the parties, this matter is being taken up for hearing.

3. The present miscellaneous appeal has been



preferred, under Section 173 of the Motor Vehicles Act, 1988, against the order dated 29.09.2012 passed by the learned Adhoc Additional District Judge-I-cum-Claim Tribunal, Munger in Claim Case No. 56 of 2010.

4. The appellant is owner of the vehicle which was involved in the accident causing death of the bread earner of the claimants in Claim Case No. 56 of 2010.

5. By the impugned order dated 29.09.2012, the learned Adhoc Additional District Judge-I-cum-Claim Tribunal, Munger has directed the appellant to pay Rs.50,000/- (Fifty Thousand) by way of ad interim compensation on interlocutory application under Section 140 of the Motor Vehicles Act, 1988 filed by the claimant.

6. The learned Tribunal has recorded that the policy of insurance has been disputed by the insurer as a forged document. The learned Tribunal has further recorded that this fact would be adjudicated at the time of final hearing.

7. After hearing the parties, I do not find any infirmity with the impugned order. However, in the event of final adjudication that the policy of insurance is genuine, the insurer shall reimburse to the appellant also to the extent of payment of Rs.50,000/- (Fifty Thousand) made by the appellant to the claimant.



8. With the aforesaid observation, this appeal stands dismissed.

9. I.A. No. 8850 of 2014, a petition under Section 5 of the Limitation Act for condonation of delay in filing this appeal also stands disposed of accordingly.

10. The Registry is directed to send back the statutory amount through cheque in the name of claimant which shall be adjusted against the final payment by the appellant.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	23.01.2019
Transmission Date	23.01.2019

