IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.333 of 2015

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The Oriental Insurance Company Ltd., Exhibition road, Patna, Appeal and Appellant through the Asst. Manager and Constituted Attorney, Regional Office, The Oriental Insurance Company Limited, Pirmohani, Patna.

... ... Appellant/s

Versus

1. Om Prakash Chaubey S/o Lt. Sheo Prasad Chaubey Resident of Village- Sarsar, PO- Siwan (Mufassil), Dist. Siwan.
2. Ramesh Rai S/o Harendra Rai Resident of Village- P.O. Naya Basti, Mahadeo, P.S./Dist. Siwan, (Owner).

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Durgesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. Vijay Kumar Mishra, Adv.
	:	Mr. Krishna Murari, Adv.
	:	Mr. Shovendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 26-06-2019

I.A. No. 7697 of 2015

This interlocutory application has been filed for condonation of delay of 9 months 13 days in filing this miscellaneous appeal.

Sufficient reasons has been shown to condone the delay in filing miscellaneous appeal, accordingly the Interlocutory application is allowed and the delay in filing this miscellaneous appeal is condoned.

M.A. No. 333 of 2015

Heard the parties.

2. This miscellaneous appeal has been filed by the

appellant Oriental Insurance Company Ltd. for setting aside the order dated 21.03.2014 passed by Motor Accident Claims Tribunal, Siwan, in Claim Case No. 03/03 by which appellant Insurance Company has been directed to pay the interim compensation under Section 140 of the M.V. Act to the claimant.

3. Claim case was filed on behalf of claimant for grant of compensation on account of death of his son in a Motor Vehicle Accident for which an application under Section 166 of the Act alongwith application under Section 140 of the Act for interim compensation was filed on behalf of claimant.

4. It was submitted before the Tribunal by the claimant that on the date of accident the vehicle was insured with the Oriental Insurance Company and in support of which a Insurance Policy was also brought on the record on basis of which by order dated 21.02.2014 order was passed by the tribunal for payment of interim compensation amount of Rs. 50,000/- to the claimant.

5. It has been submitted on behalf of counsel for the Insurance Company that the Insurance Policy which was produced by the claimant before the tribunal was a fake policy and the vehicle was not insured with the appellant Insurance

Company on the date of accident, as such, the order of tribunal directing payment of interim compensation amount to the claimant is based upon a forged document and as such liable to be set aside.

6. After hearing the parties and there being emphatic assertion made on behalf of counsel for the appellant Insurance Company that the order for grant of interim compensation has been procured on the basis of a forged Insurance Policy and the offending vehicle was not insured by the appellant Insurance Company on the date of accident. Counsel appearing for claimants and owner of offending vehicle could not controvert it. Accordingly, order dated 21.03.2014 passed by the Claims Tribunal is set aside and order passed by the tribunal dated 21.03.2014 is modified to the extent that the owner of the offending vehicle is liable to pay the interim compensation amount at present subject to final outcome of the claim case.

7. This miscellaneous appeal stands allowed.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.08.2019
Transmission Date	N.A.