

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.276 of 2013

Branch Manager Oriental Insurance Company Ltd. Through Sri V.K. Jha Dy.
Manager And Duly Constituted Attorney The Oriental Insurance Company,
Ltd. Regional Office Pir Mohani Kadam Kuan, Patna.

... .. Appellant/s

Versus

1. Jagbir Singh S/O Ranjit Singh Resident Of B1043/1 Shastri Nagar Sarai Rohilla Delhi.
2. Gauri Shankar Verma S/O Ramnandan Mahto @ Alias Ramanand Verma Resident Of Village Nabaspur, P.S. Mansur Chak, S.D. Teghra, District Begusarai.
3. Ram Udgar Pandit S/O Late Laddu Pandit Resident Of Village Godha, P.O. Godha, P.S. Bachhwara, S.D. Teghra, District Begusarai.
4. Dhanmanti Devi W/O Late Laddu Pandit Resident Of Village Godha, P.O. Godha, P.S. Bachhwara, S.D. Teghra, District Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Priyadarshi
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 08-01-2019

Heard the parties.

The appellant herein is insurer of the vehicle. The learned Tribunal has granted compensation in favour of the dependants of victim of motor vehicle accident by the impugned Judgment and Award. The appellant had challenged the genuineness of the driving license. The learned Tribunal held in the last paragraph that even if the driving license is fake, the insurer is liable to pay compensation to the claimants and may recovery the amount from the owner.



Since liberty has been granted to the appellant to recover the same from the owner, on establishing a case of violation of the statutory provisions and terms and conditions of insurance by the owner, the appellant may take legal recourse by filing a petition before the Execution Court in view of the judgment of the Hon’ble Supreme Court in the case of *National Insurance Company Ltd. Vs. Challa Bharathamma and Ors. (2004) 8 SCC 517 and Shamanna Vs. Divisionl Manager Original Insurance Co. Ltd. AIR 2018 SC 3726.*

With the aforesaid observations, this Appeal stands disposed of at the stage of admission itself. The office is directed to sent back the statutory amount deposited by the appellant in the name of the claimant to the Court below for payment to the claimant and for adjustment against the final Award amount.

(Birendra Kumar, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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