

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.753 of 2014

Arvind Singh son of Late Kari Singh, resident of village- Keshawa, P.S.-
Barauni District- Begusarai.

... .. Appellant/s

Versus

1. Kailash Mahto and Anr. Son of Late Kesho Mahto, resident of village -
Bhuthari, P.S. Bachhawara, District- Begusarai.
2. Ganeshi Devi, W/o Kailash Mahto
3. The Oriental Insurance Company Limited, Kachahary Road, Begusarai-
851101 through its Branch Manager United India Insurance Company Ltd.,
at Kapariya Chouk, District-Begusarai (Insurance of the vehicle involved in
accident).
4. Sri Manoj Singh, S/o Sri Parmesh Warigings R/o Village Hasipurlipra, P.S.
Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Adv.
	:	Mr. Ram Sumiran Roy
For the Respondent No. 4	:	Mr. Durgesh Kumar Singh, Adv
For the Respondent No. 2	:	Mr. Bimlesh Kumar Jha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

11 24-09-2019 It has been submitted on behalf of counsel for the

appellant that no service of notice of claim application was

made upon owner of the offending vehicle and the case

proceeded ex parte against him without valid service of notice

and Award has been passed by the claims tribunal fastening the

liability of payment of compensation on the owner, although on



the date of the accident the offending vehicle was insured with Oriental Insurance Company Ltd.

Claimant had made United India Insurance Company Limited as a party, however, the vehicle was not insured on the date of accident, rather same was insured with Oriental Insurance Company Ltd. which was not made party before the claims tribunal. Upon notice, counsel for the Oriental Insurance Company has appeared through his counsel in this appeal. As it is specific case of the appellant that the vehicle was insured with the Oriental Insurance Company Ltd. and he had no knowledge about pendency of claim case as no summons were ever served upon him and in support of his submission that the vehicle was insured with the Oriental Insurance Company Ltd., the appellant owner of the offending vehicle has enclosed copy of Insurance Policies as contained in Annexure-2 and 2/1 in this appeal.

For the reasons as stated above, the judgment and Award passed by the Tribunal is not sustainable for misjoinder and non-joinder of necessary parties and is accordingly set aside and the claim case is remitted to the claims tribunal in which Oriental Insurance Company is added as a party respondent and which shall file its written statement within three months from today and thereafter the tribunal shall frame issues and give



opportunity to the parties to lead evidence and shall decide the claim case within six months from the date of framing of the issues.

M.A. No. 753 of 2014 is allowed and the matter is remanded to the claims tribunal.

(S. Kumar, J)

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