

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.80 of 2016

1. Branch Manager, Oriental Insurance Company, Deoghar
2. Branch Manager, Oriental Insurance Company, Bhagalpur. Both 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. Jhula Devi wife of Rasik Lal Mandal Resident of village- Dumariya, P.O. Sukhanti Bazar, PS- Gopalpur, District- Bhagalpur
2. Arvind Kumar Singh son of Late Jagdish Singh, Resident of village- Vishanpur PS- Banka, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Priyadarshi, Advocate
For Respondent No.1	:	Mr. Ashutosh Kumar, Advocate
For Respondent No.2	:	Md. Mahboob Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-01-2019

Heard learned counsel for the parties.

2. The insurer has challenged the award of Motor Vehicles Accident Claim Tribunal, Bhagalpur, dated 20.08.2015 passed in Claim Case No.92 of 2011 on the ground that deceased was traveling on a goods vehicle. Hence, the insurer is not liable to compensate.

3. The Tribunal had awarded compensation in favour of the claimant respondent No.1 Jhula Devi, who was mother of the deceased. Respondent No.2 is the owner of the vehicle.

4. In view of the settled position, in this regard, the



appellant shall pay the compensation amount to the claimant and thereafter the appellant may recover the said amount by process of law if a case of recovery is made out in a duly instituted execution proceeding against the owner of the vehicle.

5. The registry is directed to send back the amount deposited at the time of filing of the claim case in the name of respondent No.1 through cheque and the said amount would be adjusted against the final award.

6. With the aforesaid observation, this appeal stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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