

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.198 of 2015

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National Insurance Company through its the Divisional Manager, Divisional Officer-I, Arunachal Building, Exhibition Road Chauraha, Patna- 800 001 represented through National Insurance Company Ltd. Having its Regional Office at 4th Floor, Sone Bhawan, P.S.- Sachiwalaya, District- Patna.

... .. Appellant/s

Versus

1. Rakesh Kumar s/o Late Sikandar Yadav (son aged about 18 years)
2. Ajay Kumar s/o Late Sikandar Yadav (son aged about 16 years) Claimant no. 1 and 2 are sons of the deceased, Claimant no.1 is the legal guardian of Claimant no.2, Both are resident of Village- Sajhauti, P.S.- Hayaghat, District- Darbhanga, A/P Mohalla - Road no. 14, Ashok Nagar, P.S.- Kankarbagh, District – Patna. (Claimants in the court below)
3. Ajay Kumar, S/o Late Jiwachh Mahto, resident of Mohalla - Pandasarai, P.O.+P.S. - Laheriasarai, District - Darbhanga -846091. (Owner of the Truck bearing registration no. BR-06D-7667 and Opposite party no. 1 in t he court below).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharan
For the Respondent/s : Mr.Alok Kumar @ Alok Kr Shahi

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-03-2019

Heard learned counsel for the parties.

2. This miscellaneous appeal has been preferred, under Section 173 of the Motor Vehicles Act, 1988, against the order dated 05.12.2014, passed by the learned Additional District Judge-II, Patna in Claim Case No.173 of 2013, against the grant of interim compensation under Section 140 of the Motor Vehicles Act.

3. Learned counsel for the claimants-respondents submits that the main claim petition has itself been disposed of by



award dated 31.03.2016. Hence, the appellant-insurer is at liberty to challenge the interim award in the main award itself.

4. Finding substance in the submission aforesaid, let this miscellaneous appeal be disposed of with liberty to the appellant to raise the issues against the interim order in the main appeal.

5. Let the statutory amount deposited be returned through cheque to the court below in the name of the claimant, *Rakesh Kumar*, who shall distribute equally to others.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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