

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.40 of 2016

Reliance General Insurance Co. Ltd. through its Branch Manager, 301/302, 3rd Floor, Kaushalya Estate, Bandar Bagicha, Dak Bungalow Road Chouraha, P.S.- Kotwali, District- Patna.

... .. Appellant/s

Versus

1. Ramesh Rai, S/o late Ram Pratap Rai
2. Renu Devi, W/o Ramesh Rai. All Resident of Village- Bhawanipur, P.S.- Hathauri, District Muzaffarpur.
3. Lal Babu Rai, S/o Late Sarjug Rai, Resident of Village- Garhar, P.O.+ P.S.- Bochahan, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar @ Alok Kr Shahi
For the Respondent/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 16-01-2019

1. The Reliance General Insurance Company Limited has challenged the award of the Motor Accident Claim Tribunal, Muzaffapur passed in Claim Case No.199 of 2009 on 04.04.2015.
2. Submission of the learned counsel for the appellant is that grievance of the appellant is only to the extent that the appellant is entitled to recover compensated amount from the owner of the vehicle in the event of violation of the terms of policy and requirement of law by the owner.
3. In the present case, the finding of the Tribunal is that there was no valid license with the driver.
4. The Tribunal in the last paragraph of the impugned award has clearly stated that the appellant is entitled, *if law permit*,



to take recourse to recover the amount so paid from the owner of the offending vehicle.

5. In the event of payment of compensation amount to the victims, the appellant may take the recourse of execution proceeding against the owner for redressal of his grievance in view of the law settled by the Supreme Court in the judgment of *National Insurance Co. Ltd. V. Challa Bharathamma and Others* reported in (2004) 8 SCC 517.
6. With the aforesaid observation, this appeal stands disposed of at this stage. Accordingly, *I.A. No.411 of 2016*, a petition for condonation of delay for filing of this appeal also stands disposed of.
7. The amount deposited by the appellant as a condition precedent for filing of this appeal be sent back to the court below through cheque in the name of claimant, *Ramesh Rai* for payment to the claimant and his other family members, who are also claimants.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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