

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1922 of 2018

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Bihar State Road Transport Corporation Parivahan Bhawan, Patel Marg,
Patna through Depot Suptd. BSRTC, Darbhanga

... .. Petitioner/s

Versus

1. Most. Komal Devi wife of Late Shiv Pratap Singh @ Shiv Prasad Singh @
Amar Singh
2. Mani Priya
3. Soni Priya
4. Anand Kumar Singh
5. Surya Kant Singh
6. Chandradhar Singh
The all minors of mase (Respondent No. 2 to 6) Komal Devi under her
guardianship
All resident of village - & PO – Thathopur, P.S. - Bahari, District – Darb-
hanga

..... claimants / respondents

7. Vijay Kumar Singh (The owner of the truck no. BR-1G-98509) son of
Uma Shankar Singh, 19 Rani Street, North Krishnapuri, Patna
8. Manish Kumar (The owner of the truck No. BR-1G-98509) son of Ram
Sagar Paswan Aakamganj, P.S. - Maharajganj, Patna
..... opposite party 2nd set / respondent
9. The Insurer of the Truck No. BR-1G-98509
..... opposite party 3rd set / respondent

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anand Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-11-2022 Heard Dr. Anand Kumar, learned counsel appearing
for the petitioner.

The petitioner has challenged the order dated
03/08/2017 passed by Motor Accident Claims Tribunal cum 5th
Additional District Judge, Darbhanga in Claim Case No. 11 /
2015 whereby, a sum of Rs. 50,000/- has been awarded against
the petitioner- Bihar State Road Transport Corporation (for short



“B.S.R.T.C.”) under Section 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as the “M.V. Act”).

Assailing the impugned order, learned counsel for the petitioner submits that an FIR has been lodged against the driver of the truck bearing Registration No. BR-1G-9850 because the truck driver was rashly and negligently driving the vehicle, which collided with the bus of B.S.R.T.C. being driven by the husband of the claimant, late Shiv Pratap Singh @ Shiv Prasad Singh @ Amar Singh. The said driver was driving the vehicle of B.S.R.T.C. and due to collision of the bus with the truck he died on the spot. Learned counsel further submits that since charge sheet has been submitted against the driver of the truck, therefore, B.S.R.T.C. is not liable to pay the interim compensation as well as final compensation.

Taking into consideration the provisions of Section 140 of the M.V. Act, which is a kind of no fault liability and the principle of law that materials are not scrutinized meticulously while deciding no fault liability. Admittedly, the husband of the claimant while driving the bus of the B.S.R.T.C. i.e. petitioner met with an accident and died on the Steering, accordingly claimant is entitled to interim compensation under Section 140 of the M.V. Act. In view of the above I do not want to interfere



with the impugned order. The petitioner is directed to pay a sum of Rs. 50,000/- by way of interim compensation under Section 140 of the M.V. Act to the claimant immediately.

The application stands dismissed.

(Anil Kumar Sinha, J)

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