

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2687 of 2018

In
Miscellaneous Appeal No.559 of 2016

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Branch Manager, National Insurance Company Ltd., Gaya Branch
Through Branch Manager, National Insurance Company Ltd., Opposite of
Prakash Petrol Pump, G. T. Road, Sasaram, District- Rohtas, through its
authorized signatory of Regional officer, National Insurance Company Ltd,
4th Floor, Sone Bhawan, R- Block, Patna

... .. Petitioner/s

Versus

- 1.Kashi Chauhan s/o Sri Laljee Chauhan
2. Meena Devi w/o Kashi Chauhan
3. Poonam Devi
4. Branch Manager, Bajaj Allianz General Insurance Company Ltd.
5. Zaffar Hussain s/o Md. Khan
6. Raj Narayan

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Ashok Kumar, Advocate
For the Opposite Parties : Mr.Mukesh Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 21-10-2022 Heard the parties.

This application has been filed for restoration of M.A.
No. 559 of 2016 which stood dismissed for non-compliance of
the peremptory order dated 29.08.2017.

For the reasons mentioned in this application, it is
allowed and M.A. No. 559 of 2016 is restored to its original file.

Misc. Appeal No. 559 of 2016

The following ground has been taken in this appeal in
Ground No. 3 which is as follows:-

“For that even the vehicle under insurance on whose
behalf the liability has been saddled upon was being plied in



contravention of the provisions of Motor Vehicle Act, 1988 as it was being plied without Registration no., Not having the fitness certificate, Road Tax was also not paid properly at the time of accident, which clearly exempts the present appellant with any liability.”

Learned counsel for the appellant submits that he will be satisfied if he is being given recovery right.

The learned counsel for the claimants has no objection to the same.

The matter is pending in this Court since 2016 and the claimants are unnecessarily being denied claimed amount during the pendency of this case.

Considering the submissions of the parties and also considering the the records of the case, this appeal is partly allowed with an observation that the appellant will have right to recover amount of compensation from the owner of the offending vehicle. The award amount must be paid to the claimants within two months from today. If the same is not paid within two months, the Chief Regional Manager of National Insurance Company Ltd will be called by the court below to appear personally in the execution proceedings.



Any statutory amount which had been deposited by the appellant at the time of filing of this memorandum of appeal can be withdrawn after payment of the award amount to the claimants.

Let a copy of this order be communicated to Adhoc A.D.J. III-cum-Motor Vehicle Accident Claim Tribunal, Rohtas at Sasaram for its compliance through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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