

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3511 of 2018

In
Miscellaneous Appeal No.788 of 2011

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1. Branch Manager National Insurance Company Ltd., Shyam Bazar Road, Dumka (Jharkhand), Pin-814501. Represented through Shri Anjani Kumar, Working as A.O. and duly constituted attorney of National Insurance Company Ltd., having its Regional Office at 4th Floor Sone Bhawan, P.s.- Sachiwalaya, Distt.- Patna
 2. Divisional Manager National Insurance Company Ltd., Sudarshandhari Hotel Shikhanpur Chowk, Gumti No. 2, P.s.- Kotwali, Distt.- Bhagalpur. Represented through Shri Anjani Kumar, Working as A.O. and duly constituted attorney of National Insurance Company Ltd., having its Regional Office at 4th Floor Sone Bhawan, P.s.- Sachiwalaya, Distt.- Patna

... .. Petitioner/s

Versus

1. Panma Devi W/o Late Shubneshwar Rai Vill.- Jogia Bandh, P.s.- Kataria, Distt.- Banka-813106
2. Ajay Kumar Sureka S/o Shri Bishwa Nath Sureka P/A No. 1, Mardayal Sureka Lane, Bandha Ghat, Hawrah-6, West Bengal-711101
3. Anil Kumar Singh S/o Chattu Singh Vill.- Jagdishpur, P.s.- Jagdishpur, Distt.- Bhagalpur-812001

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

33 28-11-2022

Heard the parties.

This application has been filed for restoration of M.A. No. 788 of 2011, which was dismissed for non-compliance of preptory order dated 18.05.2017.

For the reasons mentioned in this application, it is allowed and M.A. No. 788 of 2011 is restored to its original file.



M.A. No. 788 of 2011

Heard the parties.

Learned counsel for the appellant submits that the driver of the offending vehicle has no license/valid license and therefore, the National Insurance Company Limited is not liable to pay compensation to the claimants and therefore recovery right may be given to the Company. In the meantime, the award amount may be given to the claimants by the Company.

Considering the submissions of the appellant and the impugned order by which the claim case of the claimants has been decided, the issue of valid license being held by the driver of the offending vehicle should be reconsidered by Motor Accident Claim Tribunal but the pendency of the review will not delay the payment of compensation amount to the claimant.

With the aforesaid observation and direction, this appeal is partly allowed. If any review application is filed by the petitioner, the same shall be disposed of in accordance with law within a period of three months from the date of its filing.

(Sandeep Kumar, J)

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