

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11460 of 2021

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Kamala Devi @ Kamla Devi Wife of Shri Bhagwan Singh, Resident of
Village-Marchi (Marachi), P.O. Marachi, P.S. Bypass, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Transport Officer, Patna.
2. The S.H.O. Police Station-Khushrupoor, District-Patna.
3. The Managing Director, TATA AIG General Insurance Company Limited
Unit No. 401, 4th Floor, AMS Park, Boring Road Crossing P.S.-Shri Krishna
Puri, Pin Code-800001, District-Patna.
4. The Branch Manager, TATA AIG General Insurance Company Limited Unit
No. 401, 4th Floor, AMS Park, Boring Road Crossing P.S.-Shri Krishna
Puri, Pin Code-800001, District-Patna.
5. The Proprietor M/S Kiran Automobiles Pvt. Ltd., New Bypass Road,
District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh, Advocate
For the Respondent/s : Mr. Raghwendra Kumar, SC-22

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

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Date : 04-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



I. That in the instant writ application the petitioner inter-alia prays for quashing the letter dated 25.01.2021 of TATA AIG General Insurance Company Limited by which it has been directed that why the claim should not be repudiated as such there is violation of driver's clause and declaration.

II. To direct the respondents insurance company to pay a sum of Rs. 4,20,726.00 (Four Lakh Twenty Thousand Seven Hundred Twenty Six Rupees) with interest from TATA AIG General Insurance Company Limited, Patna Branch for vehicle no. Mahindra Bolero BR-01PS-5749 that had met with an accident on 26.06.2020 on Khushrupoor Divider which was denying taking into the consideration of the statement of Surveyor Mithilosh Kumar of M/S Kiran Automobiles Pvt. Ltd., Patna and investigation report prepared by Mr. Deepak Kumar Sinha that Mr. Nagendra Kumar S/o Mr. Ayodhya Gope was driving the vehicle is wrong, while police report says that the vehicle was being driven by Mr.



Mukesh Kumar @ Suksh Kumar S/o Shri
Sohan Singh at the time of accident.

III. To direct the authorities that
petitioner's accidental claim Rs.
4,20,726.00 (Four Lakh Twenty
Thousand Seven Hundred Twenty Six
Rupees) should be given to him,
because at the time of accident the
driver was Mukesh Kumar @ Sukesh
Kumar and the said vehicle was
within insured period by TATA AIG
General Insurance Company Limited,
Patna.

IV. To restrain the respondent no. 5
from charging any penalty @ 300.00
per month for allegedly parking the
vehicle.

V. To any other relief or reliefs to
which the petitioner may be found
entitled in the facts and
circumstances of the case.

After the matter was heard for some time, learned
counsel for the petitioner, under instructions, states that
petitioner shall be content if petitioner is permitted to avail the
remedies under the Consumer Forum for redressal of the
grievance(s).

Permission granted.



Petition stands disposed of with the permission aforesaid.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law. We are sure that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch. Also, liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action.

It is made clear that we have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/KC Jha

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2022
Transmission Date	

