

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.313 of 2006

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New India Assurance Company Kataras Road Dhanbad through its Deputy and Duly constituted Attorney Sri Dibakar Bag Regional Office 6th floor BSFC Building Fraser Road Patna.

... .. Appellant/s

Versus

1. Smt. Rekha Jha, wife of Late Damodar Jha.
2. Mukund Kumar Jha, son of Late Damodar Jha.
Both Resident of Village P.O. & P.s. Singhwara District Darbhanga.
3. Smt. Anamika Devi daughter of Late Damodar Jha wife of Sri Aditya Nath Mishra Resident of village-Kakraur P.s. & P.O. Rahika District-Madhubani.
4. Harendra Mishra son of Late Khedan Mishra Resident of Rajputana Mohalla Kali Asthan Dehari P.S. & P.O. Dehari District- Rohtas.
5. Pintu Singh son of Sudama Singh Resident of village Raipur Chaur P.S. & P.O. Shivanagar District -Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Durgesh Kumar Singh, Advocate
For the Respondent/s : Mr. Pushpendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 07-12-2022

Heard Mr. Durgesh Kumar Singh, learned counsel for the appellant and Mr. Pushpendra Kumar Singh, learned counsel who represent the respondents.

The present appeal is directed against the judgment dated 24.04.2006 and award dated 15.06.2006 passed by the learned Additional District Judge/FTC No.2 cum Motor Vehicle Claims Tribunal Cum Sitamarhi (henceforth for short 'the Tribunal') in Claim Case No.10 of 2001 /8 of 2005 by which the learned Tribunal gave direction for payment of compensation amount of Rs.9,32,092/- within a period of one month.



At the outset, Mr. Pushpendra Kumar Singh, learned counsel for the respondents submit that the claimants-respondents have already received the compensation amount way back in the year 2010 and as such the appeal has lost its merit.

Mr. Durgesh Kumar Singh submits that he is unaware of the said fact and was not apprised about it even by the appellant side.

In view of the categorical statement made by Mr. Pushpendra Kumar Singh, learned counsel for the respondents that the respondents have already received the compensation amount in the year 2010, this appeal has become infructuous.

The appellant company is entitled to get back statutory amount, if any, that was deposited.

The appeal is accordingly disposed of.

(Rajiv Roy, J)

Prakash Narayan

AFR/NAFR	NAFR
CAV DATE	NA
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