

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.3445 of 2019**

**In**

**Miscellaneous Appeal No.422 of 2012**

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The Branch Manager, National Insurance Company Ltd. Rajendra Nagar, Nawadah, 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, Dist Patna.

... .. Petitioner/s

Versus

1. Daulat Devi Wife of Late Mundrika Singh Resident of May, P.O. Mangaur, P.s.- Warsaliganj, Dist. - Nawada.
2. Meena Devi W/o Late Shambhu Sharan Singh Resident of May, P.O. Mangaur, P.s.- Warsaliganj, Dist. - Nawada.
3. Shilpi Kumari D/O Late Shambhu Sharan Singh Resident of May, P.O. Mangaur, P.s.- Warsaliganj, Dist. - Nawada.
4. Suruchi Kumar (Minor) D/O Late Shambhu Sharan Singh Representated through their mother Meena Devi, the natural guardian. Resident of May, P.O. Mangaur, P.s.- Warsaliganj, Dist. - Nawada.
5. Deepak Kumar (Minor) S/o Late Shambhu Sharan Singh Representated through their mother Meena Devi, the natural guardian. Resident of May, P.O. Mangaur, P.s.- Warsaliganj, Dist. - Nawada.
6. Sanjeev Kumar S/o Sri Masudan Resident of village Resora P.O. Bauri, P.S. Kashi Chak, Dist- Nawada. (Owner of Vehicle bearing its registration No. BR- 27/3508 (Jeep)).
7. Manoj Kumar S/o Late Bashishtha Singh Resident of village Mafi, P.s. Warsaliganj, Dist Nawadah (Drriver of the vehicle bearing its registration No. BR 27/ 3508 (Jeep))

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr.Shailendra Kumar, Advocate

For the Opposite Parties :

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL JUDGMENT**

**Date : 27-09-2022**

Heard the parties.

This application has been filed for restoration of

Miscellaneous Appeal No. 422 of 2012 which stood dismissed for non-compliance of the peremptory order dated 23.07.2013.

For the reasons mentioned in this application, it is allowed and Miscellaneous Appeal No. 422 of 2012 is restored to its original file.

**Misc. Appeal No. 422 of 2012**

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 form the date of its filing.

**(Sandeep Kumar, J)**

Harsh/ BT

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| AFR/NAFR          | NAFR     |
| CAV DATE          | N.A.     |
| Uploading Date    | .09.2022 |
| Transmission Date | N.A.     |