

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3447 of 2019

In
Miscellaneous Appeal No.24 of 2012

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National Insurance Company Ltd. through Shri Anajani Kumar, Working as
A.O. and duly constituted Attorney of National Insurance Company Ltd.
having its Regional Office at 4th Floor, Sone Bhawan, Bir Chand Patel Path,
P.s.- Sachiwalaya, Distt.- Patna

... .. Petitioner/s

Versus

1. Prema Devi W/o Late Pramod Kumar Resident of Village- Hathidah, P.s.-
Hathidah, Distt.- Patna
2. Ram Naresh Singh S/o Late Badri Singh Resident of Village- Bihat, Tola
Ibrahimpur, P.s.- Barauni, Distt.- Begusarai Owner of the Vehicle bearing
its Registration no. B.R.-1/6551

... .. 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 ORDER

5 27-09-2022 Heard the parties.

This application has been filed for restoration of
Miscellaneous Appeal No. 24 of 2012 which stood dismissed for
non-compliance of the peremptory order dated 18.04.2014.

For the reasons mentioned in this application, it is
allowed and Miscellaneous Appeal No. 24 of 2012 is restored
to its original file.

Misc. Appeal No. 24 of 2012

Heard the parties.

Learned counsel for the appellant submits that the
offending vehicle has no valid permit and therefore the National



Insurance Company Limited is not liable to pay compensation to the claimants and therefore the appellant is entitled for recovery right. In the meantime, the award amount may be given to the claimants by the Company.

In this case the claim case has been decided but the appellant now submits that the offending vehicle has no valid permit and therefore the appellant is entitled for recovery right.

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 permit being held by the owner of the offending vehicle should be reconsidered by Motor Accident Claim Tribunal but the pendency of the review application will not delay in making payment of compensation amount to the claimants.

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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