

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.761 of 2018

1. Branch Manager, Magma HDI General Insurance Company Limited Magma House, 24, Park Street Kolkata.
2. Divisional Manager, Magma HDI General Insurance Company Limited, 101/102, 1st Floor, Block (B), Rajendra Ram Plaza, Exhibition Road Patna. Appeal and Appellant through the Deputy Manager/authorized signatory/Duly Constituted Attorney, Magma HDI General Insurance Company Limited, 2nd Floor, Shiv Laxmi Plaza, Opp. to Rajendra Nagar Terminal, Kankarbag Main Road, Patna - 20.

... .. Appellant/s

Versus

1. Baby Devi (Expunged vide Order dated 04.02.2023) W/o Kishore Kumar Jha Resident of Village and PO- Itwa, P.S. Pakri Dayal, District - East Champaran.
2. Kishore Kumar Jha, Son of Late Shivchandra Jha. Resident of Village and PO- Itwa, P.S. Pakri Dayal, District - East Champaran.
3. Gagandeo Sah S/o Gorakh Sah Resident of village - Sirha, P.S. - Pakridayal, Dist. - East Champaran.
4. Ram Pukar Sah S/o Gagandeo Sah, Resident of Village/P.O. - Padumker, P.S. Patahi, Dist. - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Durgesh Kumar Singh
For the Respondent/s	:	Mr. Sunil Kumar Pandey
For the Respondent No.2:	:	Mr. Mukesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 06-04-2023 Ld. counsel for the appellant submits that respondent no. 1 has already died and her sole legal representative i.e. her husband, is already on record by way of respondent no. 2. He further submits that respondent nos. 3 and 4 are owner and driver of the vehicle respectively. He further submits that the appeal is still at the stage of



admission.

However, respondent no. 2 has already appeared through his counsel Mr. Mukesh Prasad Singh and both the counsel Mr. Durgesh Kumar Singh and Mr. Mukesh Prasad Singh claim that matter has been settled between the Insurance Company and sole surviving claimant who is respondent no. 2 herein. Ld. counsel for the Appellant/Insurance Company further submits that the company forgoes its right to recover the compensation amount payable to the claimant from the owner or driver of the vehicle who are respondents herein. As such, for settlement there is no requirement of presence of owner or driver of the vehicle. He further submits that the settlement has been reached at by Insurance Company and the respondent no. 2 in the following terms and conditions:-

I. Towards full and final settlement, the Insurance Company which is Appellant no. 1 and 2 will pay Rs 5,60,000/- (Rupees Five Lakhs Sixty Thousand Only) to the respondent no. 2 who was claimant before the Tribunal. The settled amount is payable within four weeks.



The appeal stands disposed of in terms of the
aforesaid compromise between the parties.

Let the statutory amount, if deposited, be remitted
back to the Appellant/Insurance Company.

(Jitendra Kumar, J)

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