

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 216 of 2008

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National Insurance Co. Ltd. through the Administrative officer, National Insurance Company Ltd. 4th Floor, Sone Bhawan, Birchand Patel Marg, Patna
... .. Appellant/s

Versus

1. Sushila Devi, wife of Late Suresh Nat alias Jhagaru Nat, r/o village- Manurabad, P.O- Mirchaiganj, P.S. and District- Nalanda
2. Nande Nat, son of Late Suresh Nat, r/o village- Manurabad, P.O- Mirchaiganj, P.S. and District- Nalanda
3. Tappu Nat son of Late Suresh National r/o village- Manurabad, P.O- Mirchaiganj, P.S. and District- Nalanda
4. Shri Kanhaiya Sah, son of Jag Narayan Sah, Owner of Truck No. - WB-33/6056, resident of Bara Ayma, Ward No. 23, P.O.- Nimpura, P.S.- Kharagpur, District- Paschim Midnapore (West Bengal)
5. Anil Yadav, son of R. Yadav, Driver of Truck No. WR-33/6056, r/o Bana Malipur, P.O., P.S., and District- North 24 Paragana (West Bengal)

... .. Respondent/s

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with
Miscellaneous Appeal No. 217 of 2008

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National Insurance Company Ltd. through the Administrative officer, National Insurance Company Ltd. 4th Floor, Sone Bhawan, Birchand Patel Marg, Patna

... .. Appellant/s

Versus

1. Shakunti Devi wife of Late Ganga Vishun Kewat, r/o village- Madhopur, Sabanahua, P.O.-Madhopur, P.S.- Harnaut, District- Nalanda at Biharsharif.
2. Rohan Kewat, son of Late Ganga Vishun Kewat, r/o village- Madhopur, Sabanahua, P.O.-Madhopur, P.S.- Harnaut, District- Nalanda at Biharsharif.
3. Santosh Kumar, minor son of Late Ganga Vishun Kewat, r/o village- Madhopur, Sabanahua, P.O.-Madhopur, P.S.- Harnaut, District- Nalanda at Biharsharif.
4. Sabita Kumari, minor daughter of Late Ganga Vishun Kewat, r/o village- Madhopur, Sabanahua, P.O.-Madhopur, P.S.- Harnaut, District- Nalanda at Biharsharif.
5. Rohit Kumar, minor son of Late Ganga Vishun Kewat, r/o village- Madhopur, Sabanahua, P.O.-Madhopur, P.S.- Harnaut, District- Nalanda at Biharsharif.
6. Shri Kanhaiya Sah, son of Jag Narayan Sah, Owner of Truck No. - WB-33/6056, resident of Bare Ayma, Ward No. 23, P.O.- Nimpra, P.S.- Kharagpur, District- Paschim Midnapore (West Bengal)



7. Anil Yadav, son of R. Yadav, Driver of Truck No. W.B-33/6056, r/o Banamalipur, P.O., P.S., and District- North 24 Paragana (West Bengal)

... .. Respondent/s

Appearance :

(In Miscellaneous Appeal No. 216 of 2008)

For the Appellant/s : Mr. Sachchida Nand Singh, Advocate

For the Respondent/s : Mr. Rabi Bhushan Prasad-1, Advocate

Mr. Nitee Ranjan, Advocate

(In Miscellaneous Appeal No. 217 of 2008)

For the Appellant/s : Mr. Sachchida Nand Singh, Advocate

For the Respondent/s : Mr. Rabi Bhushan Prasad-1, Advocate

Mr. Nitee Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

13 10-08-2023

Heard the learned counsel for the parties.

Re: Miscellaneous Appeal No. 216 of 2008

2. This Miscellaneous Appeal has been filed against the judgment and award dated 07.02.2008 and 16.02.2008 respectively, passed by District Judge cum Motor Vehicle Accident Claim Tribunal, Nalanda at Bihar Sharif in M.A.C.T. Case No. 154 of 2005, whereby the claim of the respondent has been allowed and learned Tribunal has awarded compensation Rs. 2,73, 500/- in favour of the claimant, out of which, 80% is to be paid by the appellant along with 9% interest over the same from the date of filing the case i.e. from 21.09.2005 till the date of its realisation.

Re: Miscellaneous Appeal No. 217 of 2008

3. This Miscellaneous Appeal has been filed against the judgment and award dated 07.02.2008 and 16.02.2008



respectively, passed by District Judge cum Motor Vehicle Accident Claim Tribunal, Nalanda at Bihar Sharif in M.A.C.T. Case No. 171 of 2005, whereby the claim of the respondent has been allowed and learned Tribunal has awarded compensation Rs. 3,69, 500/- in favour of the claimant, out of which, 80% is to be paid by the appellant along with 9% interest over the same from the date of filing the case i.e. from 21.09.2005 till the date of its realisation

4. Learned counsel for the appellant submits that three miscellaneous appeals have been filed against the different claim case arising out of same accident in which 7 passengers had died. It is further submitted that points involved in all three miscellaneous appeals are same and similar, out of which, one case i.e. Miscellaneous Appeal No. 301 of 2008, filed by the National Insurance Company Ltd. against the other respondents-claimants, was decided on 17.01.2023 by a Co-ordinate Bench of this Court. Learned counsel for the appellant submits that the principle applied in Miscellaneous Appeal No. 301 of 2008 will also apply in the instant miscellaneous appeals.

5. Perused the order dated 17.01.2023 passed in Miscellaneous Appeal No. 301 of 2008.

6. In the light of the order dated 17.01.2023 passed in



Miscellaneous Appeal No. 301 of 2008, these miscellaneous
appeals are also dismissed on the same terms.

(Khatim Reza, J)

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