

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.612 of 2016

Branch Manager, National Insurance Company Ltd. Regional Office, National Insurance Co. Ltd. 4th Floor, Sone Bhawan, B.C. Patel Marg, P.S. - Sachivalaya, District - Patna.

... .. Appellant/s

Versus

1. Pinki @ Pinki Devi @ Pinki Verma wife of Late Shailendra Kumar
2. Ladali
3. Sonali, both are minor daughters of Late Shailendra Kumar
4. Nand Kumari Devi Mother of Late Shailendra Kumar, wife of Raghaw Sharan Prasad
5. Raghaw Sharam Prasad Father of Late Shailendra Kumar, son of Late Ganga Prasad
6. Rijavan Khan Son of Shamshul Khan At - Amodei Malahi Tola, P.S. - Ramgarhwa, District - East Champaran.
7. Shekh Serajul Son of Shekh Hanif at Bela, P.S. - Ramgarhwa, District - East Champaran owner of the vehicle No. BR06G 1237.
8. Pankaj Kumar Singh Son of Jai Kishore Singh At - Bishunpur Fakira, P.S. - Tariyaen, Distt. - Sheohar Owner of the vehicle No. - BR01A - 8949.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Singh Vikram
For the Respondent/s : Mr. Madhurendra Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 15-02-2023 Heard Mr. Raj Kumar Singh Vikram, the learned counsel for the National Insurance Company Limited (appellant) and Mr. Madhurendra Kumar, the learned counsel for the respondent nos. 1 to 5.

The learned counsel for the appellant has submitted that while awarding compensation of Rs.23,20,000/-, the learned court below did not take notice of the fact that the



vehicle in question was plying without any valid permit and valid D.L.

Considering the aforesaid submissions, the appellant is provided a right to recover the awarded amount from the owner of a vehicle bearing Registration no. BR06G-1237.

The appellant has a statutory right to recover the amount if there is violation of terms and conditions of the insurance policy. The appellant may recover it from the owner of the vehicle, but firstly the Award should be satisfied within two months from today.

The appellant is directed to make a payment of Rs.23,20,000/- as compensation, awarded by the Tribunal, to the wife and mother of the deceased, Shailendra Kumar.

The statutory amount, furnished by the appellant at the time of filing of appeal, is directed to be refunded to it.

With these observations/directions, this miscellaneous appeal is disposed of.

(Nawneet Kumar Pandey, J)

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