

20.11. 2023
item No.3
n.b.
ct. no. 551

FMAT 1382 of 2001

Smt. Dhundi Gorain & Anr.
Vs.
The Oriental Insurance Co. Ltd.

Mr. Krishanu Banik,
.....for the appellant.

Ms. Gupta Das Mukherjee,
.... For the respondent.

This matter appears for correction in respect of judgment dated 3.10.2023.

Heard the learned advocates for the appellant as well as the learned advocate appearing on behalf of the Insurance Company.

It has been specifically observed by this Court that by virtue of observation of Hon'ble Supreme Court passed in **Nanjappa** and **Baljit Kaur**, the insurance company may have the liberty to pay the compensation. The observation of the Hon'ble Supreme Court is very specific to the effect that the Insurance Company is also at liberty to recover the same from the owner of the offending vehicle according to the law laid down **Baljit Kaur**. Thus, necessary correction is required to be made at "page 4" of the judgment dated October 3, 2023.

So, after second para of "page 4" of the said judgment the under mentioned paragraph should be noted "**The Insurance Company i.e. Oriental Insurance**

Company Ltd. is at liberty to recover the compensation amount from the owner of the offending vehicle according to the law laid down by the Hon'ble Supreme Court in Baljit Kaur."

The other portion of the order would be remain as same. The instant order would be made a part of the judgment dated October 3, 2023.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)