

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16258 of 2023

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Nisha Kumari W/o Late Chhotu Paswan R/o Village-Shobhepatti, P.S.-Ashok
Paper Mill, District-Darbhanga.

... .. Petitioner/s

Versus

1. The National Insurance Company Ltd. Regional Office Sone Bhawan, 4th Floor, R-Block, Patna. Bihar.
2. The National Insurance Company Ltd, Branch office, Khan Complex, 1st Floor, Maula Gali, Near Allahabad Bank, Darbhanga, Bihar 846004
3. Md. Imtiyaz S/o Md. Mustak R/o Village-Dhalaila, Ward no.14 Taralahi, P.S.-Laheriyasarai, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Mritunjay Kumar

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 17-12-2024 Having regard to the provisions of the Motor Vehicle

Act, 1988, more particularly, Sections 159 & 165 which read as

follows;

*“159. **Information to be given regarding accident.** -
The police officer shall, during the investigation, prepare an
accident information report to facilitate the settlement of claim in
such form and manner, within three months and containing such
particulars and submit the same to the Claims Tribunal and such
other agency as may be prescribed.*

*165. **Claims Tribunals.** - (1) A State Government may,
by notification in the Official Gazette, constitute one or more
Motor Accidents Claims Tribunals (hereafter in this Chapter
referred to as Claims Tribunal) for such area as may be specified in
the notification for the purpose of adjudicating upon claims for
compensation in respect of accidents involving the death of, or
bodily injury to, persons arising out of the use of motor vehicles, or
damages to any property of a third party so arising, or both.*

*Explanation. For the removal of doubts, it is hereby
declared that the expression claims for compensation in respect of
accidents involving the death of or bodily injury to persons arising*



out of the use of motor vehicles includes claims for compensation under [section 164].

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he-

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a High Court Judge [or as a District Judge.]

(4) Where two or more Claims Tribunals are constituted for any area, the State Government, may by general or special order, regulate the distribution of business among them.”

3. The present writ petition is disposed of at the stage of admission with the consent of both the parties granting liberty to the petitioner to approach the Motor Vehicle Tribunal for settlement of her claim within a period of six weeks from the date of receipt of a copy of this order. The Tribunal shall endeavor to dispose of the claim of the petitioner as expeditiously as possible.

4. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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