

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.347 of 2024

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1. Sajda Khatoon Wife of Late Md. Zamir @ Md. Kalim Mansuri @ Md. Kalimuddin, Resident of Village- Kab, P.S. Ranitalab Kanpa, District- Patna.
 2. Roshni Khatoon, Daughter of Late Md. Zamir @ Md. Kalim Mansuri @ Md. Kalimuddin Resident of Village- Kab, P.S. Ranitalab Kanpa, District- Patna.
 3. Shahid Mansuri, Son of Late Md. Zamir @ Md. Kalim Mansuri @ Md. Kalimuddin Resident of Village- Kab, P.S. Ranitalab Kanpa, District- Patna.

... .. Appellant/s

Versus

1. Krishna Yadav, Son of Hari Yadav Resident of 582, D.H. Road, Beheliya, Kolkata- 700026 at present Singaliya, P.S. Doriganj, District- Saran. (Driver of Truck No. JH10X 5162)
2. Krishna Ray, Son of Hari Ray, resident of Village Singahi Saran Naraon, Dhanbad, Pin- 826001 (Owner of Truck No. JH10X 5162).
3. National Insurance Company Limited through its Divisional Manager, D.O. II, Arunachal Building, Exhibition Road, Chauraha, Patna- 800001 (Insurer of Truck No. JH10X 5162)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kameshwar Singh, Adv.
For the Respondent/s	:	Mr. Mritunjay Kumar, Adv.
		Mr. Kumar Pankaj, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 20-11-2025

Heard the parties.

2. The present appeal has been preferred for the following

relief(s):

That the above named appellants do hereby apply as legal representative for the grant of enhancement compensation on account of the death of deceased Husband Late Md. Zamir @ Md. Kalim Mansuri @ Md. Kalimuddin who died in a motor accident.

3. Earlier, the matter was sent to the Mediation Center



and the report has come according to which, the mediation was successful, parties came to an agreement on 25.09.2025 and the same is recorded as under:

4. In that background, both Mr. Nishikant, learned counsel for the appellant as also Mr. Kumar Pankaj representing the Insurance Company submits that the matter can be disposed of.

5. The petition is accordingly disposed of in terms of the Mediator's report dated 26.09.2025 which read as follows:

1. Whereas this matter has been referred for mediation by orders of the Hon'ble Patna High Court dated 31.07.2025 passed in Misc. Appeal No. 347/2024.

2. Whereas, the appellants of the first party are dependents of Late Md. Zamir @Md. Kalim Mansuri @Md. Kalimuddin, who died in an accident due to rash and negligent driving of Truck No. JH 10X 5162. The said truck is owned by Krishna Ray, who is Respondent No. 2 in the MA No. 347/2024 and Sri Krishna Yadav is the driver of the truck who is Respondent No. 1 in MA No. 347/2024.

3. Whereas, the appellant/first party filed a claim case before the Motor Accident Claim Tribunal Patna bearing Claim Case no. 22/2018 in which the learned tribunal vide its order dated 12.04.2022 ordered for payment of compensation of Rs. 12,75,000/- (Rupees Twelve Lakh Seventy-Five Thousand only) with 6% interest from the date of filing of the Claim Case



27.01.2018 till the date of actual payment as compensation. The order was issued against the National Insurance Company, Respondent No. 3/Second Party.

4. Whereas, the Insurance Company complied the aforesaid award passed by the Learned Tribunal.

5. Whereas, the appellants/first party have filed MA No. 347/2024 for grant of enhancement of compensation on account of death of deceased husband Late Md. Zamir @Md. Kalim Mansuri @Md. Kalimuddin.

6. Whereas after the matter being referred in the mediation, detailed negotiations have taken place and the parties have agreed to compromise and settle their dispute under the following terms and conditions :-

a. The National Insurance Company, Respondent No. 3/Second Party will pay an amount of Rs. 6,50,000/-(Rupees Six Lakhs Fifty Thousand only) as full and final settlement amount including future prospect and interest. The said amount will be paid through Cheque/NEFT in the name of Sajda Khatoon, Appellant/First Party No. 1. As the other two appellants are minor, and they are under guardianship of appellant No. 1/First Party.

b. For the purpose of ensuring payment to the Appellant No. 1/First Party, she is providing Aadhar Card and PAN Card to the authorized representative of the National Insurance Company, Respondent No.3/Second



Party, namely Sri Nishi Kant, Deputy Manager, National Insurance Company, Regional Office-Patna.

c. The Respondent No.3 / Second Party will prepare the cheque and provide the same to the Appellant No. 1 /First Party within six weeks from the date of receipt of judicial order of the Hon'ble Court, on this settlement, in MA No. 347/2024.

7. The terms and conditions of this settlement has been read over and explained to us in Hindi as well as English and we have understood the same.

8. The parties are putting their signature over this settlement as per their free will without any undue pressure.

Accordingly, Mediation is successful.

6. This Court would like to put on record its word of appreciation for Mr. Prashant Sinha, the Mediator who took pains and resolved the issue.

7. The agreement is dated 25.09.2025, the appellant shall be providing all the relevant documents immediately and the if the same is cleared in a week, the appellant company shall be paying the amount by 30.11.2025.

8. It is made clear that if the documents are found proper, the payment is to be made within a period of two weeks thereafter, failing which, nine per cent interest shall be paid till the actual payment is made.



9. Accordingly, the appeal stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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