IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15889 of 2016

CNR No. BRHC010425172016

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Bijli Devi W/o Late Kishan Rishi R/o Village Rupaspur Khagha, P.O. and P.S.-Mirganj, Dist- Purnea Bihar-854304

... ... Petitioner/s

Versus

1. Arti Devi and Ors W/o Late Bherav Rishi
2. Aaditya Kumar S/o Late Bherav Singh Both Resident Presently at Mohalla-Parwatti, P.O. Bhagalpur City, Dist-Bhagalpur Bihar, Permanent Address R/o Village Rupaspur Khagha, P.O. and P.S.- Mirganj, Dist-Purnea BIhar-854304
3. Branch Manager, National Insurance Company Ltd. Officer at-1st Floor, Onkar Bhawan, SBI Building Be
4. Divisional Manager, National Insurance Company Ltd, Office at- Sumrit Mandal Complex, Jail Road, Ti
5. Bullu Kumar Yadav S/o Late Krishna Yadav R/o Ward No.1 Bihata, P.O.-Mandana P.S.- Sheikhpura, Dist- Sheikhpura BIhar-811105
6. Rambali Kumar S/o Ramotar Yadav R/o Village- Bihata, P.O. and P.S.-Barbigha, Dist-Sheikhpura Bihar

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Ashok Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

8 29-10-2026 Heard learned counsel for the petitioner as well as learned counsel for the respondent no. 1 & 2 and learned counsel for the respondent no. 3 & 4.

2. The present application has been preferred by the petitioner for setting aside the order and award dated 14.05.2016 passed by the Presiding Officer, Mega Lok Adalat, Bhagalpur, whereby the Claim Case bearing No. 262 of 2015 was disposed

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of without noticing or hearing the petitioner i.e. the mother of deceased who was opposite party no. 5 in the claim case and is also one of the legal dependents of the deceased, who is entitled to compensation.

3. Learned counsels for the parties have submitted that the matter be remanded back to the concerned Court/ District Judge-cum-Motor Accident Tribunal, Bhagalpur.

4. Learned counsels for the Respondent Nos. 1&2 and 3&4 have submitted that the award of Rs. 4,30,000 has been passed so that the same is disbursed in terms of the principles as laid down in the judgment of Hon'ble Apex Court in the matter of Kerala State Road Transport Corporation Vs Smt. Susamma Thomas & Ors. (A.I.R. 1994 SC 1631), and as such the cheque amount of Rs. 4,30,000 vide cheque no. 224984 dated 17.06.2016 has already been submitted before the Court below.

5. Learned counsel appearing on behalf of the petitioner as well as parties have submitted that the matter be remanded back to the concerned Court for decision, after hearing all the necessary parties and in accordance with law.

6. The Court is of the opinion that since the petitioner was not heard and noticed before this award was passed, it completely violated the principles of natural justice.

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7. Accordingly, the writ application stands allowed and order/award dated 14.05.2016 passed by the Presiding Officer, Mega Lok Adalat, Bhagalpur in Claim Case No. 262 of 2015 is hereby set aside, matter is remanded back to the District Judge-cum-Motor Accident Tribunal for a decision after hearing all the parties including the petitioner within three months from the date of this order.

8. Application stands disposed of accordingly.

(Raj Kumar, J)

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