

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.623 of 2017

The National Insurance Company Limited, Through Its Divisional Manager

... .. Appellant/s

Versus

1. Sumitra Devi W/o Late Suresh Pandit
2. Pawan Kumar S/o Late Suresh Pandit
3. Jitendra Kumar S/o Late Suresh Pandit
4. Aditya Kumar S/o Late Suresh Pandit (Res. 4 is minor and is under the guardianship of natural guardian mother, Re All the above are resident of Mohalla- Manpur, Kumahartoli, P.O.- Buniyadganj, P.S.- Muffasil, District Gaya.
5. Mr. Sanjay Kumar Suman S/o Sri R.P. Yadav Resident of Village- Pratapi, P.O./P.S.- Barachatti, District Gaya, Owner.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Durgesh Kumar Singh, Advocate
Mr. Abhijeet Kumar Singh, Advocate
For the Respondent/s : Mr.Laliteshwar Prasad Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 29-01-2026

Heard Mr. Durgesh Kumar Singh, learned counsel
for the appellant and Mr. Laliteshwar Prasad Sharma, learned
counsel for the respondents.

2.The present petition has been preferred for the
following relief/s:

*“setting aside the judgment dated
22.12.16 and Award dated 21.02.17
passed by Sri. Hasmuddin Ansari, 7th
Addl. Dist. Judge cum Motor Accident*



Claim Tribunal, Gaya (here in after referred to as the Tribunal), in MAC Case no. 01 of 16/77 of 14 'Sumitra Devi & others v/s The National Insurance Co. Ltd & another' by which compensation has been allowed against the appellant”.

3. The facts leading to the present appeal is/are as under:

4. One Suresh Pandit who was a government employee with the Sub-Divisional Office, Gaya was moving on his vehicle bearing registration no. **BR-02T-3321**. As he approached the G.T. road, a **truck** bearing registration no. **UP-65AT-6024** driving in a rash and negligent manner dashed the vehicle from the opposite side. Suresh Pandit sustained grievous injury and died on the spot. Subsequently, the lady/children moved before the 7th Additional District Judge-Cum-Motor Accident Claim Tribunal, Gaya in **MAC Case No. 01 of 2016/77 of 2014**.

5. The Court framed the following issues:

(i) is the claim case as preferred maintainable?



(ii) have the appellants got valid cause of action to file the claim case?

(iii) whether the deceased Suresh Pandit died in a motor vehicle accident on 09.12.13 at village Pandey Bara on G.T. Road under P.S. Chouparan, District-Hazaribagh, due to rash and negligent driving by the driver of truck bearing registration No. UP-65 AT 6024?

(iv) whether the driver of the said truck has valid and effective driving license at the time of accident and owner of the said truck violated any terms and conditions of insurance policy?

(v) whether the deceased was a Govt. Employee and his monthly income was Rs 19040/- per month at the time of alleged accident?

(vi) whether the applicants are entitled to get compensation of so to



what amount and to whom?

6. **Sumitri Devi (A.W.-01)**, wife of the deceased and **Mithilesh Pandit (A.W.-02)** were examined. While Sumitri Devi informed that upon knowledge, she rushed to the place within an hour and found the dead body of her husband, A.W.-02, Mithilesh Pandit an eye-witness and was present at the spot and he narrated the story of the truck dashing the car in a rash and negligent manner causing death of Suresh Pandit.

7. The truck was insured with the appellants' company. The Insurance Company appeared and opposed the case of the claimants stating that the truck was plying without permit and the truck driver was not having valid driving license. The truck owner, however, provided the driving license of the driver (DL No.WB 1119790109754) valid till 07.04.2016 as also the permit which was valid between 09.04.2013 to 08.04.2014.

8. The Court after hearing the parties, came to the conclusion that:

(i) the deceased, Suresh Pandit, a government employee was driving the vehicle bearing registration no. BR-02T-3321;



- (ii) the truck bearing registration no. UP-65AT-6024 hit the car;*
- (iii) Suresh Pandit died on the spot;*
- (iv) the truck was insured with the National Insurance Company Ltd. having validity period from 24.02.2013 to 23.02.2014;*
- (v) the truck owner provided the valid driving license/insurance certificate as also the permit.*

9. Taking into account the salary of the claimant's husband as Rs. 19040/- with 30% future prospect and after the necessary deduction in the light of the decision of the Hon'ble Apex Court in the case of **Sarla Verma (Smt) & Ors. vs. Delhi Transport Corporation & Anr** reported in **(2009) SCC 211** came to the conclusion that she is entitled to **Rs.34,26,520/-**. After the deduction of Rs.50,000/- which was paid as interim compensation, the lady is entitled to **Rs.33,76,520/-** which is to be paid with 8% interest.

10. Aggrieved, the present appeal.

11. Learned counsel for the appellants, Mr. Durgesh Kumar Singh submit that the documents placed by the truck



owner could not be verified and as such 'the Tribunal' should have given the right to recovery, if the documents are found otherwise/invalid. Further submission is that while allowing the claim of the claimants, instead of giving the simple interest of 6% per annum, 'the Tribunal' actually ordered 8% interest per annum.

12. Upon notice, the claimant has appeared and learned counsel, Mr. Laliteshwar Prasad Sharma on instruction submits that the death took place in the year 2013, the widow is still waiting for the Award amount. The family is in financial crisis. Further submission is that two points have been raised by the appellants' company:

(i) to allow them to pursue the case against the truck owner in accordance with law;

(ii) to reduce the interest amount from 8% to 6%.

13. The submission on instruction is that the claimants do not have any objection to the two prayers put forward by the appellants' company.

14. The Court has gone through the facts of the case and the materials on record. The admitted position has already



been recorded. The claim of the appellants' company is that the documents which were put on record remained unverified. In that background, the appellants' company prayer that they be given the right to pursue the remedy in accordance with law, if they so want against the truck owner has to be accommodated.

15. So far as the interest part is concerned, as on instruction, the learned counsel representing the claimants-respondents have submitted that the claimants have no objection if the same is reduced to 6%, the order dated 22.12.2016 and 21.02.2019 is modified only to the extent that they can pursue the case further in accordance with law if they are able to make out any case against the Truck owner. Further, the interest amount with the consent of the parties is reduced to 6% per annum.

16. In that background, this Court disposes of **M.A. No. 623 of 2017** with a direction to the appellants' company to pay the original amount of **Rs.33,76,520/-** with **6% interest by 23.02.2026**. Failure to do so, not only the appellants shall be entitled to the **original 8% interest** on the amount of Rs.33,76,520/- as originally ordered by the Tribunal, she shall also be entitled to **Rs.10,000/-** as cost which shall be realized from the Officer who delays payment of the Award amount.



17. Learned counsel for the claimants undertakes to provide the bank account details of the lady/children within a week to Mr. Durgesh Kumar Singh for forwarding it to the Insurance Company.

18. The statutory amount, if any, has to be returned.

(Rajiv Roy, J)

Ravi/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.01.2026
Transmission Date	

