

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No.200 of 2015

The New India Assurance Company Limited, 4A, Ratlam Kothi, A.B. Road, P.O. Radio Colony, P.S. Palasia, District Indore (M.P.) represented through its Divisional Office No.1, P.P. Compound, P.O. Ranchi, P.S. Chutia, District Ranchi Appellant

Versus

1. Smt. Sajoharo Kumar wife of Late Braj Bihari Singh
2. Arun Kumar Singh, son of Late Braj Bihari Singh
3. Anil Kumar, son of Late Braj Bihari Singh
4. Saroj Kumari, daughter of Late Braj Bihari Singh
5. Punam Kumari, daughter of Late Braj Bihari Singh
6. Pratima Kumari, daughter of Late Braj Bihari Singh
7. Mamta Kumari, daughter of Late Braj Bihari Singh
All resident of Katras Bazar, New L.I.C. Office, Katras, P.O. & P.S. Katras, District Dhanbadd
8. Ratan Lal, son of Amar Singh Singhal, resident of 167/3, Anoop Nagar, P.O. Indore Tilak Nagar S.O., P.S. Vijay Nagar, Indore (M.P.)
9. Birendra Singh, resident of Sekra, P.O. Argada, P.S. Hazaribagh, District Hazaribagh
10. Prakash Tiwari, son of Abhayanand Tiwari, resident of Ramkrishna Samadhi Road, P.O. Phoolbagan, District Kolkata (W.B.) present resident of Sekra, P.O. Argada, P.S. Hazaribagh, District Hazaribagh
11. Rameshwar Yadav, son of Prabhunath Yadav, resident of Begum Bazar, Hyderabad, P.O. & P.S. Begam Bazar, District Hyderabad
12. The Oriental Insurance Company Limited, Rathore Mansion, Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad

.... Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : Mr. Manish Kumar, Advocate
For the Respondents : Mr. Prabhat Kumar Sinha, Advocate

Order No.18 / Dated : 30.10.2025

Insurance Company is in appeal against the judgment and award of compensation in Title (Motor Vehicle) Suit No.25/1992 whereby and whereunder compensation of Rs.3,81,000/- with interest @ 9% from the date of award has been made under Section 166 of the Motor Vehicle Act in which liability has been fixed on the Insurance Company.

2. Finding of fact with regard to the accident in which Braj Bihari Singh died in a motor vehicle accident on 23.04.1992 involving a truck bearing registration no.MP 09D 6489 and a Maxi Jeep in which the deceased

was travelling at the time of accident, is not under challenge.

3. It is mainly contended on behalf of Insurance Company that it was a case of composite negligence as both vehicles were equally liable for the accident. It is argued that the FIR (Exhibit 2) was lodged against the driver of both the vehicles and after investigation, charge sheet (Exhibit 3) was also submitted under Sections 279, 304A of the IPC. Learned Tribunal has also held in para 8 of the internal page 7 that accident was outcome of the negligence of both the vehicles. Despite this, liability has been solely fastened on the insurer of the truck.

4. Learned counsel appearing on behalf of The Oriental Insurance Company Limited (respondent no.12) submits that there is no infirmity in the award as the other vehicle involved in the accident i.e. Maxi Jeep was not under its insurance cover at the time of accident.

5. Having considered the submission advanced on behalf of both sides, I do not find any infirmity in this count as in case of composite negligence, civil action can be brought against any of the vehicle and liability can be fixed on owner/insurer of any of the vehicle involved in the accident. The plea that liability has not been fixed on other vehicle involved in the accident, cannot be taken.

6. Motor vehicle Act is a beneficial piece of legislation and therefore, interest of the claimants cannot be allowed to suffer on these technical pleas.

Miscellaneous Appeal stands dismissed. Interlocutory Application, if any, is disposed of.

Insurance Company is directed to pay the balance compensation amount to the claimants. Statutory amount be remitted to the Tribunal for payment.

(Gautam Kumar Choudhary, J.)

Anit

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