

(2007) 07 JH CK 0007
In the Jharkhand High Court

Oriental Insurance Co. Ltd.	Vs	APPELLANT
Taufique Khan and Others		RESPONDENT

Date of Decision : 11-07-2007

Acts Referred:

Motor Vehicles Act, 1988 — Section 140, 166

Citation : (2008) 1 JCR 375

Hon'ble Judges : M.Y. Eqbal, J;Dabbiru Ganeshrao Patnaik, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the appellant.
2. This appeal has been filed by the Insurance Company against the interim compensation awarded to the claimant u/s 140 of the Motor Vehicles Act. Since it has been categorically stated by the claimant that the deceased was travelling on the truck along with the goods, we are not in a position to interfere with the award, at this stage. However, the appellant may take all the defence which may be available in the main application filed by the claimant u/s 166 of the Motor Vehicles Act. It however, goes without saying that in the event the appellant succeeds in the main application, the appellant shall have right of recovery from the owner of the vehicle, so far as the interim compensation is concerned.
3. With the aforesaid observation and direction, this appeal is dismissed. The appellant may withdraw the statutory amount deposited in this Court in order to pay interim compensation to the claimant respondents.