

(2001) 04 JH CK 0035
In the Jharkhand High Court
Case No : M.A. No. 136 of 1999 (R)

Oriental Insurance Company Limited	Vs	APPELLANT
Satwinder Kaur and Others		RESPONDENT

Date of Decision : 09-04-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 140, 166

Citation : (2001) 04 JH CK 0035

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : P.K. Bhowmik, for the Appellant; S.L. Agrawal and A.K. Chaturvedi, for the Respondent

Final Decision : Dismissed

Judgement

Gurusharan Sharma, J.—Heard.

By impugned interim award on an interlocutory application u/s 140 of the Motor Vehicles Act, 1988, passed in MJC No. 5 of 1998, insurer of the truck (MP-23B-1515) was directed to pay Rs. 50.000/- as interim compensation to the claimant. Mr. Bhowmik, counsel for the appellant submitted that driver of the truck was not possessing valid and effective driving licence and so in terms of insurance policy, the insurer is not responsible to indemnify the owner's liability for payment of compensation. Insurer's defence aforesaid is yet to be considered and finally decided at the stage of hearing of the main claim case filed u/s 166 of the Act on the basis of evidence brought on record and it could not have been decided at the stage of Section 140 of the Act, I, therefore, find no merit in this appeal. It is, accordingly, dismissed.

2. Statutory amount of Rs. 25,000/- deposited by appellant for the purpose of this appeal vide challan No. J-44 dated 23.7.1999 is permitted to be withdrawn by claimant-respondent No. 1 on proper verification and in accordance with law.

3. Appeal dismissed .