

(2020) 09 PAT CK 0337

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 10588 Of 2016

Umesh Sharma

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 25-09-2020

Acts Referred:

Citation : (2020) 09 PAT CK 0337

Hon'ble Judges : Dinesh Kumar Singh, J

Bench : Single Bench

Advocate : Akhilesh Kumar, Sarvesh Kumar Singh, Ashok Priyadarshi

Final Decision : Disposed Of

Judgement

Heard learned Counsels for the petitioner, respondent-State and Respondent No.4.

The present writ application has been filed for a direction to the respondent authorities, particularly, Respondent No.3, the Sub-Divisional Officer-cum-

Claim Enquiry Officer, Member District Level Committee, Gopalganj to make payment of compensation from solatium fund for the death of the son of

the petitioner, namely, Ram Babu Sharma, who died in a hit and run motor accident in the year 2008.

However, learned counsel for the petitioner confines his prayer only to the extent of a direction for disposal of the application submitted on 10.11.2008

by the petitioner before the Respondent No.3, as contained in Annexure-2, as per Solatium Scheme, 1989.

Learned counsel for the petitioner submits that the identity of the vehicle which hit the son of the petitioner causing his death could not be ascertained,

but since the application was submitted before the Respondent No.3, the Sub-

Divisional Officer, being the Claim Enquiry Officer, hence, the same may be disposed of. The petitioner has impleaded National Insurance Company as party respondent in the present proceeding for the proper adjudication of the issue involved.

It is submitted by Mr. Ashok Priyadarshi, learned counsel for the Respondent No.4 that if the identity of the vehicle in question could not be ascertained, no claim can lie against the Insurance Company.

Though this Court finds substance in the submission of learned counsel for the Respondent No.4, however, keeping in view, the confined prayer of the

learned counsel for the petitioner, this Court is not expressing any opinion on the merits of the claim of the petitioner. However, it is expected from the

Respondent No.3, the Sub-Divisional Officer-cum-Claim Enquiry Officer, Member District Level Committee, Gopalganj to dispose of the application

of the petitioner, as contained in Annexure-2, within a period of four weeks from the date of receipt/production of a copy of this order, in accordance

with law.

Accordingly, the writ application stands disposed of.