

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.339 of 2013

=====

Brahmdeo Pandey S/o Late Laxmi Pandey resident of mohalla- Takiya, P.O-
Sasaram (T), District- Rohtas.

.... Appellant/s

Versus

1. Rajendra Chaudhary S/o Late Mohan Chaudhary, resident of village - Parsan Tola Kadwan, P.S- Nokha, District- Rohtas.
2. Mahendra Chaudhary S/o Late Mohan Chaudhary, resident of village - Parsan Tola Kadwan, P.S- Nokha, District- Rohtas.
3. Pradhan Chaudhary S/O Late Mohan Chaudhary, resident of village - Parsan Tola Kadwan, P.S- Nokha, District- Rohtas.
4. Anil Kumar Pandey S/o Laxman Pandey, resident of village - Chitaon, P.S- Dinara, District- Rohtas at present residing at Mohalla- Shankerpuri Takiya, Sasaram, Town, District- Rohtas.

..... Respondent/s

=====

Appearance :

For the Appellant/s : M/s Ashok Kumar Mishra and Varun Kumar, Advts.

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-07-2015

Heard learned counsel for the appellants.

In the present case, the limited grievance has been raised that order dated 21st March 2003 passed in Motor Vehicle Claim Case No. 55 of 1995 suffers from an error of record, as he has submitted that the vehicle which met with an accident, was BAZ3251, but wrongly the truck bearing registration no. BHZ3251 has been roped in its place which is apparently clear from the statement of the first information report as well as from the contents of the charge sheet. He has stated that he has taken this plea

before the Tribunal, but instead of deciding the issue, the Tribunal has presumed that the vehicle no. BHZ3152 was an offending vehicle which is completely incorrect and has wrongly been roped in the present case.

This Court has perused the first information report and the charge sheet. From page 1 of the first information report it appears to this Court that the name of driver has been shown as Bahadur Singh Yadav and the truck has been shown as BHZ3251 upon which the counsel for the appellant submits it is not a 'H' but it is a 'A' and he has further submitted that in the *fardbeyan*, instead of BHZ3251, BAZ3251 is to be read. In the charge sheet, he has also submitted that the vehicle no. BAZ3251 has been mentioned with regard to the offending vehicle, not the BHZ3251, but at two places in the charge sheet it has clearly been mentioned the name of driver as Bahadur Singh Yadav and the vehicle number has been shown as BHZ3251 only at one place BAZ3251.

It appears that the appellant wants to get benefit of some typographical error. From all records it appears that the truck was involved in the accident, was BHZ3251.

This Court does not find any merit in the present case. Accordingly, this petition is dismissed. The statutory amount of Rs. 25,000/- be remitted to the court below.

(Shivaji Pandey, J)

Mahesh/-

U			
---	--	--	--