

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.280 of 2014

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Sundari Devi

.... Petitioner/s

Versus

Lalan Prasad Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan

For the Respondent/s : Mr. Ashok Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 07-12-2015 Heard the learned counsel, Mr. Sudhir Kumar Raj and the learned counsel, Mr. Ashok Priyadarshi, on behalf of respondent No.3.

By the impugned order, the Court below has directed that prior to passing any order under Section 140 of Motor Vehicle Act, a preliminary enquiry is required regarding the involvement of the vehicle out of the two vehicles. This impugned order was passed on 8.9.2009 whereas this application has been filed by the petitioner on 16.12.2013, i.e., after more than 4 years.

It appears that according to the petitioner the vehicle involved in accident is BR-7-7726 whereas according to the police investigation and charge-sheet in criminal case, the vehicle involved is BR-7-9955. In the written statement, the respondent herein said no such accident took place.

In view of the above position and facts, the learned Court below has rightly stated that the preliminary enquiry is necessary. In such circumstances, the impugned order cannot be interfered with and accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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