

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22449 of 2014

- =====
1. Shambhu Sahni , Son of Ram Prakash Sahni
 2. Maheshwari Devi, W/o Shambhu Sahni.
- Both are resident of village- Hariharpur, P.O.- Kanea, P.S.- Kalyanpur,
District- Samastipur.

.... Petitioner/s

Versus

1. National Insurance Company Ltd. having its branches at Kashipur,
Town/District- Samastipur through its Manager residing at Kashipur,
Samastipur.

..... Respondent 1st set.

2. Dhrub Sharma, son of late Krishna Murari Thakur.
 3. Prahlad Thakur, son of late Krishna Murari Thakur.
 4. Ajay Sharma, son of late Krishna Murari Thakur.
 5. Suboth Sharma, son of late Chandra Kishore Sharma.
- All are resident of Village- Balaha, P.O.- Balha, P.S.- Chakmachsi,
District- Samastipur, and owner/Co-owner of Tractor No. B.P.C. 6793
and Tractor No. BPG.6794.

.... Respondent 2nd Set... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 19-01-2015

Heard learned counsel for the petitioner as with regard

to the following relief prayed in this writ application:-

"(i) For directing the respondents to pay the remaining amount of compensation of Rs. 25,000/- only out of Rs. 1,20,000/- which was fixed by the Hon'ble high Court in M.A. No. 676/1999 as the respondents paid only Rs. 95,000/- only and as such the remaining amount of the compensation has not been paid to the petitioners uptill-now.

(ii) For directing the respondents to pay the interest at the rate of 6% per annum from the date of the filing of the claim case till the date of payment of the above said amount (paid and/or unpaid) of compensation as stated in Annexure-1 to this petition.

(iii) For that the petitioners are entitled to paid

the interest at the rate of 6% per annum from the date of the filing of the claim case till the date of payment of the compensation amount but the respondent have not paid the same to the petitioners up-till-now."

2. Having regard to the fact that the liability for payment of compensation under Motor Vehicles Act has been fixed by this Court by judgment dated 16th July 2007 in Misc. Appeal No. 676 of 1999 against respondent nos. 2, 3 4 and 5, who are private individuals, no writ petition will lie for a direction to them for making payment of such amount. As a matter of fact, this Court is also informed by the learned counsel for the petitioners that a certificate case as per the provisions made in Motor Vehicles Act has already been launched against Respondents 2 to 5 for recovery of the amount of compensation.

3. When such an observation has been made, learned counsel for the petitioners seeks permission to withdraw this writ application in order to enable the petitioners to move before the certificate officer for expediting the certificate proceeding.

4. This writ application is, accordingly, permitted to be withdrawn with liberty to the petitioners to approach the certificate officer and in case he does so, the certificate officer must ensure the expeditious disposal of the pending certificate case.

Sujit/-
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(Mihir Kumar Jha, J)