

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.763 of 2010

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Alok Kumar Jha

.... Appellant/s

Versus

Bhagmati Devi & Anr.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 04-08-2015

Heard counsel for the appellant and the respondents.

The vehicle bearing Regd. No. 20G / 3545 while coming from Muzaffarpur side, due to rash and negligent driving dashed Anurag Sahani and on that account he died at the spot.

The claim application has been filed where the appellant has been shown to be owner of the vehicle and the court under Section 140 of the M.V.Act directed the appellant to pay compensation of Rs.50,000/- along with 6 per cent interest.

Counsel for the appellant submits that the appellant is not liable to pay the amount as the said vehicle was already sold to one Pappu Mistry @ Md. Sattar on 18th April 2008, on that account it is Pappu Mistry not the appellant, liable to pay the compensation amount.

One fact is admitted that even after sale of the vehicle, in the owner book, the name of the appellant is standing.

In that circumstance, the appellant cannot disown the liability to pay the amount as there is no official record to suggest the transfer of vehicle. Counsel for the appellant further submitted Pappu Mistry committed fraud, pasting his photograph showing the vehicle of the appellant got release of the vehicle.

This Court is not interfering with the award. However, liberty is given to the appellant, if so advised, he may take appropriate steps for recovery the said amount, if any, from Pappu Mistry in proper procedure. The statutory amount deposited by the appellant be released in favour of respondents.

With this observation, this appeal is dismissed.

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(Shivaji Pandey, J)