

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1639 of 2014

IN

M.A 639 of 2009

=====

Uday Shankar Pradhan, Son of Ram Nath Pradhan Resident of Village- Chhotka
Dhakaichi, Police Station- Krishna Brahm, District- Buxar.

.... Petitioner/s

Versus

1. Ramawati Devi, Wife of Late Chhabi Nath Pandey
2. Pushpendra Kumar Pandey, Son of Late Chhabi Nath Pandey
3. Nitish Kumar Pandey, Son of Late Chhabi Nath Pandey All resident of village-
Parasiya, Post Office- Parasiya, Police Station- Brahampur, District- Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Respondent/s : None.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 24-03-2015

This application is filed for direction to the Registry of
this High Court to refund the security amount of Rs. 25,000/-, which
was deposited as statutory amount in M.A. Case No. 639 of 2009 for
the purpose of admission and hearing of appeal.

Learned counsel for the petitioner submits that petitioner
had filed Misc. Appeal No. 639 of 2009 against the order dated
20.06.2009 passed by the District and Sessions Judge-cum-Motor
Vehicle Accident Claim Tribunal, Buxar in connection with M.V.
Claim Case No. 13 of 2008 directing the appellant to pay a sum of Rs.
50,000/- to the respondents under Section 140 of the Motor Vehicle
Act with interest @ 8% if the payment is not made. The said

miscellaneous appeal was dismissed in default on 18.06.2012 as non-appearance on behalf of petitioner, as the name of counsel was not properly printed in Cause List. Thereafter, both the parties compromised the case before the Special Lok Adalat, Buxar on 28.09.2013. Accordingly, Award was passed to pay Rs. 1,10,000/- to the claimants opposite parties and amount was paid before the Special Lok Adalat, Buxar to the claimants-opposite parties through draft No. 025573 dated 01.08.2013, which would appear from Annexure Nos. A and A2. As such, the petitioner is entitled to receive the statutory amount of Rs. 25,000/- as deposited in the Registry.

In view of the above submission, let the statutory amount deposited by the petitioner in connection with M.A. No. 639 of 2009 be returned to the petitioner in accordance with law.

Accordingly, this application is disposed of.

(Rajendra Kumar Mishra, J.)

Shail/-

U			
---	--	--	--