

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2495 of 2015

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Rani Devi

.... Petitioner/s

Versus

Ghan Shyam Mahto & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shamshad Alam

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 09-03-2016 The learned counsel, Mr. Sanjeev kumar, for the petitioner submitted that the Court below has no jurisdiction to review his earlier order whereby the insurance company was directed to pay the interim compensation under Section 140 of the Motor Vehicle Act but the Court below recalled the earlier order by the impugnd order dated 18.09.2013 passed in compensation Case No.98 of 2007.

Perused the order dated 18.09.2013. The Court below has passed reasoned order and recording finding that on the date of accident, the motor vehicle was not covered by the insurance. In other words, since the vehicle in question was not ensured by the insurance company, respondent No.3, on the date of accident, the company is not liable to pay.

In view of subsequent, the Court below has rightly recalled

the earlier order which was in fact found to be wrong. Therefore, in view of the above factual matrix of the case, this Court cannot interfere the same in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Accordingly, this writ application is dismissed. However, if so advised, the petitioner may move the Court below for payment directing the person liable to pay the interim compensation under Section 140 of Motor Vehicle Act.

With this observation, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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