

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.243 of 2016

In
MA 387 of 2008

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The State of Bihar through Collector Darbhanga

.... Petitioner/s

Versus

1. Sita Devi wife of late Doman Sah, resident of Village+ Post office- Bahadurpur, District Darbhanga.
2. Satrugan Prasad Deo son of Sri Haribans Prasad Deo Resident of Village and Post Office- Barheta, Via- Kalyanpur, district Samastipur.
3. The Branch Manager, United India Insurance Co Ltd Madarsagali, Chandoliya, Patna City, District Patna.

.... Respondent/s

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with
Civil Revision No.1187 of 2008

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State of Bihar through Collector

.... Petitioner/s

Versus

Sita Devi & Ors

.... Respondent/s

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with
Miscellaneous Appeal No.387 of 2008

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State of Bihar through Collector

.... Appellant/s

Versus

Sita Devi & Ors

.... Respondent/s

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Appearance:

(In MJC No.243 of 2016)

For the Petitioner/s : Mr. Neeraj Kumar

For the Respondent/s : Mr.

(In C.R. No.1187 of 2008)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

(In MA No.387 of 2008)

For the Appellant/s : Mr.

Mr. Anil Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-02-2016



This Miscellaneous Application has been filed praying for modification of the judgment and order dated 13.2.2013 passed by this Court while hearing the Miscellaneous Appeal along with the Civil Revision filed by the petitioner-appellant whereby the Miscellaneous Appeal as well as the Civil Revision application was dismissed. To maintain the Miscellaneous Appeal, the State had deposited a sum of Rs. 25,000/- under Section 173 of the Motor Vehicles Act (hereinafter referred to as 'the Act'). Though the appeal along with the Civil Revision was dismissed but since no order was passed in the Miscellaneous Appeal in respect of the amount deposited by the State under the proviso to Section 173 of 'the Act' that it has remained in this Court. It is after disposal of the matter that a letter was received from the District Magistrate making a plea of transfer of the said amount to the tribunal for its disbursement that the attention of the learned counsel was drawn and the present application has been filed.

Having heard learned counsel for the parties and considering the limited modification so sought for in the present application, the order dated 13.2.2013 passed in M.A. No. 387 of 2008 heard with C.R. No. 1187 of 2008 stands modified to the extent that the statutory amount of Rs. 25,000/- stated to have been deposited by the State vide draft no. 465117 dated 26.2.2009

(chalan no. 377 dated 27.2.2007) is directed to be transferred to the Court of Additional District Judge-IV-cum-Motor Vehicles Accident Claims Tribunal, Darbhanga in Claim Case No. 66 of 2004 (Execution Case No. 4 of 2010) for its disbursement in accordance with law.

The order dated 13.2.2013 passed in M.A. No. 387 of 2008 with Civil Revision No. 1187 of 2008 stands modified to that extent.

This application is allowed.

(Jyoti Saran, J)

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