

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12468 of 2014

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Md. Enam Khan S/o Md. Ekram Khan Resident of Mo - Kabirganj, PO and PS -
Sasaram (T), District - Rohtas.

.... Petitioner/s

Versus

1. Daroga Singh Son of Late Jage Singh.
2. Birendra Singh Son of Sri Daroga Singh Resident of village - Dhawdar, PS -
Sasaram (M), District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Adv.

For the Respondent/s : Mr. Vijay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-08-2016

Heard Mr. Bajarangi Lal, learned counsel for the
petitioner and the learned counsel for the respondents.

The petitioner has filed this application questioning the
legal sustainability of the impugned order by which the learned court
below has turned down the prayer made on behalf of the petitioner for
striking off his name from the M.V. Claim Case No. 02 of 2012.

Learned counsel for the petitioner has submitted that the
petitioner had already sold away the vehicle which was involved in
the accident and the said transfer was made on 02.01.2008 whereas
accident took place on 23.03.2008. It has been the specific stand on
behalf of the petitioner that even in the owner book the name of the
purchaser was entered prior to the accident but the learned court

below has committed error of record in observing that the name of the petitioner is still continuing in the registration certificate (owner book) of the vehicle in question.

As this fact involves a disputed question of fact and the petitioner has the remedy to approach before the learned court below itself by filing a review petition on the basis of his assertion that the learned court below has committed error apparent on the face of record, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The present application is, accordingly, dismissed with liberty to the petitioner to seek appropriate remedy available to him in accordance with law.

(V. Nath, J)

Devendra/-

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