

**IN THE HIGH COURT OF JUDICATURE AT PATNA****Miscellaneous Jurisdiction Case No.3027 of 2015****In****MA 206 of 2011**

=====

1. Sunita Devi w/o late Vijay Paswan  
 2. Kamani Devi w/o Asho Paswan  
 3. Santosh Kumar  
 4. Santa Kumar both s/o late Vijay Paswan 3 & 4 under guardianship Sunita Devi All r/o Bhaganpur P.S. Sadar, District Muzaffarpur.

.... .... Petitioner/s

Versus

1. The District Judge cum Motor Vehicle Accidental Claims Tribunal Muzaffarpur.  
 2. Divisional Manager, the Oriental Insurance Co. Ltd. Daya Complex Aghoriya Bazar P.S. Kazi Mohammadpur Dist. Muzaffarpur.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

03      29.11.2017      Heard.

This petition has been preferred for restoration of M.A. no. 206/2011 which stood dismissed on 16.6.2014 due to non-compliance of order dated 5.5.2014 of this court.

It would appear from perusal of the record of M.A. no. 206/2011 that initially, CWJC no. 20120/2010 was filed but subsequently, permission was granted to convert the aforesaid writ petition into misc. appeal under the provision of section 173 of the Motor Vehicle



Act, 1988. Thereafter, petitioners made necessary correction but some correction was left to be done.

However, it is submitted on behalf of the petitioners that a fresh memo of appeal was filed by the petitioners on 4.3.2011 which is still on the record and, therefore, in view of the aforesaid memo of appeal defect, as pointed out by the office had already been removed.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this petition stands allowed and accordingly, it is ordered that M.A. no. 206/2011 be restored to its original number.

Office should treat fresh memo of appeal filed on behalf of the petitioners as removal of the defect.

**Shahid**

**(Hemant Kumar Srivastava, J)**

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

