

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1800 of 2017

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Kalyani Devi Wife of Late Anant Prasad Jha, Resident of Kamal Nagar Colony, P.O. Mirjan Haat, P.S. Mojahidpur, and District Bhagalpur.

.... Petitioner

Versus

1. Bishan Kumar Bharm Son of Bodaraj, Resident of Madavara, Dasanpura Hobli, Banglore North 562123
2. Maqsood Shah Son of Sh. Gafoor Din, Resident of Phinter Tehsil Billawar and District Kathua, Jammu and Kashmir.
3. Tata AIG General Insurance Co. Ltd, through Manager (Legal), No.69, Millers Road, Bangalore.
4. Tata AIG General Insurance Co. Ltd through Manager, legal Constantia Office Complex, Dr. U.N. Brahmchari Street, Kolkata, 700017
5. Renu Prabha W/o Late Pankaj Kumar Jha
6. Om Pratik Jha Son of Late Pankaj Kumar Jha, Minor, represented through his Mother as natural guardian and next friend, Both Resident of Kamal Nagar Colony, P.O. Mirjan Haat, P.S. Mojahidpur and district Bhagalpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Madan Mohan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-08-2018

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner filed passbook, Aadhar card and other documents along with the petition making prayer to send the cheque prepared in the name of the petitioner Kalyani Devi in Claim Case No.72 of 2012 but learned 3rd Additional District Judge, Bhagalpur rejected the petition of the petitioner on the ground that the petitioner submitted passbook and Aadhar card prepared in the name of Kalyani Jha.



Learned counsel for the petitioner submits that Aadhar card is at Page-26 of Annexure-3 and it shows that the Aadhar card stands in the name of Kalyani Devi and the Passbook is in the name of Kalyani Devi wife of Anant Prasad Jha and duly signed by the petitioner. Therefore, the finding of the learned 3rd Additional District Judge, Bhagalpur is error of record.

Perused the order impugned and documents such as Passbook, Aadhar card and other connecting documents such as Gas connection, Electricity Bill, which shows that all the papers stand in the name of Kalyani Devi but the learned 3rd Additional District Judge, Bhagalpur dismissed the petition making prayer for sending the cheque in the account of the petitioner only on the ground that Passbook and Aadhar card are of Kalyani Jha. It is apparently error of record. Therefore, the order dated 27.07.2017 is set aside and the case is remitted to the court of learned 3rd Additional District Judge, Bhagalpur to consider the case of the petitioner afresh and pass order in accordance with law within two months from the date of receipt of this order.

Accordingly, this civil miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

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