

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.15834 of 2011

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Nashrul Haque S/O Abdul Sattar, resident of Village-Jalal Basant, P.O.-Basant, P.S.-Garkha, Dist-Saran (Saran). At present Mohalla - Bagmali, Ashiyana Colony, Hajipur, District -Vaishali.

.... .... Petitioner

Versus

1. The State of Bihar through Law Secretary, Patna, Bihar.
2. The Registrar, Civil Court at Hajipur, Distt.-Vaishali.
3. Sunil Kumar Verma son of Sri Kant Prasad Verma, at Present Near Mal Godown, Town Hajipur, P.S.-Town Hajipur, Distt.-Vaishali.
- 4 (i). Manju Devi wife of Late Jainath Prasad Das
4. (ii) Ankit Kumar
- 4.(iii) Aman Kumar Both sons of Late Jainath Prasad Das
- 4.(iv) Khushi Kumari, D/o Late Jainath Prasad Das
- 4.(v) Ritu Kumari, D/o Late Jainath Prasad Das
- 4.(vi) Kajal Kumari, D/o Late Jainath Prasad Das

All the substituting respondents no. 5 to 9 are minor and under guardianship of their natural mother namely Manju Devi Respondent No. 1, All 4 (i) to 4(vi) are resident of village Gangajal Hajipur, P.S.- Sonepur, District Saran (Chapra)

.... .... Respondents

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#### Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.  
For the State : Mr. Vivek Arvind Amritesh, AC to SC-28  
For the Resp. No. 3 : Mr. Vasant Vikas, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 10-01-2018**

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 03.06.2011 passed in Motor Vehicle Claim Case No. 48 of 2002 passed by learned Claim Tribunal at Hajipur, District- Vaishali (Annexure-2) whereas and whereunder a certificate proceeding has been issued against petitioner for recovery of ad-interim relief allowed to the respondent nos. 3 and 4.



3. Learned counsel for the petitioner submits that against the order dated 03.01.2009 passed by the Additional Sessions Judge - 1<sup>st</sup>, Vaishali at Hajipur directing payment for an ad-interim compensation of Rs. 25,000/- to the private respondents in Motor Vehicle Accident Claim Case No. 48 of 2002 under Section 140 of Motor Vehicles Act, the petitioner has preferred Miscellaneous Appeal No. 73 of 2009 which had earlier been dismissed in terms of peremptory order on the failure of the petitioner to furnish the certified copy of the award. Statement is made at the Bar on behalf of the petitioner that the said M.A. No. 73 of 2009 has since been restored and that no award has been prepared by the learned Court below till date.

4. Learned counsel for the respondents, on the other hand, submits that if M.A. No. 73 of 2009 has been restored, the petitioner can very well urge the relief sought therein with regard to steps being taken for recovery of the ad-interim compensation.

5. Learned counsel for the petitioner does not dispute that the relief sought herein can be raised in M.A. No. 78 of 2009 which has since been restored.

6. Having regard to the respective stand of the parties, this Court is not inclined to interfere in the matter. The writ petition is disposed of with liberty to take appropriate steps for raising his grievance before such appropriate forum as may be available to him in



accordance with law.

Md. Ibrarul/BT

(Vikash Jain, J)

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