

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.634 of 2011

=====

Sudhir Kumar, S/o Sri Bajrangi Rai, R/O Village -Sheikhpur, P.S.-Ahiyapur,
Distt-Muzaffarpur

... .. Appellant/s

Versus

1. Mrigank Ranjan S/o Late Prem Chand Anand,
2. Shikha Ranjan Daughter of Late Prem Chand Anand
All resident of Mohalla-Aam Gola, P.O.-Ramana, P.S.-Kazi Mohammadpur,
Distt-Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 16-05-2019

Heard the parties.

This miscellaneous appeal has been filed for setting aside the order dated 17.05.2011 passed by Motor Vehicles Accident Claims Tribunal, Muzaffarpur in Claim Case No. 253 of 2005 by which the learned Tribunal has directed to pay the ad-interim compensation of Rs. 50,000/- (fifty thousand) to the claimants.

Briefly stated the facts of the case is that Bochahan P.S. Case No. 77/2005 was instituted under Section 279, 337, 338 304-A of Indian Penal Code on the basis of fardbeyan of informant Mrigank Ranjan alleging that on 11.05.2005 while he and his deceased father and driver were seating in the Ambassador car, which was parked on the flank of road, when mini bus bearing registration no. JH-11B-6490 dashed against the Ambassador car resulting in serious injury to his father and



he was rushed for treatment but in the meantime he died.

Claimants filed Claim Case No. 253 of 2005 under Section 166 of Motor Vehicles Act claiming a compensation of Rs. 8,89,500/- impleading appellant as the sole opposite party. Subsequently an application under Section 140 of the Motor Vehicle Act was also filed for grant of interim compensation. Notices were issued to appellant and he appeared and filed his written statement that on the date of alleged accident his mini bus was parked in the garrage and as such his vehicle was not involved in the accident.

After hearing both the parties the learned Tribunal by its order dated 17.05.2011 awarded interim compensation of Rs. 50,000/- (fifty thousand) to be paid to the claimant within 30 days from the order passed by the Tribunal and aggrieved with said order present miscellaneous appeal has been filed by the appellant. The Tribunal while directing appellant to pay the interim award as taken into account statement of informant made in fardbeyan in which the number of offending vehicle has been recorded and after investigation police has also submitted chargesheet against the driver of said offending vehicle. Postmortem report also confirms the death in a motor accident.



After hearing the parties and perusing the order dated 17.05.2011 as impugned this court does not find any infirmity or error in order granting interim compensation to the claimant, accordingly the present appeal is dismissed.

The statutory amount of Rs. 25,000/- deposited by the appellant at the time of filing appeal, a cheque of which be prepared in the name of claimant and handed over to the counsel for the claimant for its payment to the claimant and remaining amount of interim compensation to be paid to the claimant within 30 days from the date of receipt/production of a copy of this order before the Tribunal. The present interim payment of compensation is subject to final outcome of the claim case. The Tribunal shall obtain sufficient security from the claimant before making payment of Rs. 50,000/- to the claimant for re-payment of the amount in case his claim case fails.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

