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Vijoy Sharma Vs. Mano Devi and ors.

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Court : Patna

Decided On : May-03-2010

Judge : Mungeshwar Sahoo, J.

Appellant : Vijoy Sharma

Respondent : Mano Devi and ors.

Judgement :

Mungeshwar Sahoo, J.

1. Issue notice to the respondent No. 6 only to show cause as to why this appeal be not allowed at the stage of admission itself for which requisites both under registered cover with A/D as also ordinary process must be filed within ten days from today.

2. The appellant shall file a copy of the application filed by the respondent No. 6 in the court below wherein he admitted that he is the owner of the vehicle after transfer and he also prayed that he be added as a party in the claim case.

3. Heard the learned Counsel for the appellant on the I.A. No. 7087/09

4. The learned Counsel for the appellant submitted that he is the original owner of the vehicle in question. Prior to accident he had already transferred the vehicle in favour of respondent No. 6. On the date of the accident the respondent No. 6 was

plying the vehicle and accident took place. Therefore, respondent No. 6 is liable to pay the interim compensation granted by the court below. The learned Counsel further submitted that in the court below itself the respondent No. 6 tiled an application admitting this fact and also agreed to pay the compensation under Section 140 of M.V. Act, but the learned court below has wrongly directed the appellant to pay the said amount although on the date of the accident the appellant was not the owner.

5. Issue notice to the respondents to show cause as to why the stay application, i.e., I.A. No. 7087/09 be not allowed for which talbana etc. must be filed within two weeks from today.

6. It is made clear that for issuance of notice one set of ordinary process and one set of registered cover with A/D for both Appeal as well as the interlocutory application, i.e., I.A. No. 7087/09 must be filed by the appellant.

7. In the meantime, till further order the operation of the impugned order directing the appellant to pay the compensation under Section 140 of M.V. Act shall remain stayed.

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