

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (C) No. 3491 of 2009

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Sermila Devi @ Surmila Devi Petitioner
Versus
Parwati Devi & Others Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

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For the Petitioner : Mr. D.K. Karmakar, Advocate.
For the Respondent No.1 : Md. Zaid Ahmad, Advocate
For the Respondent No.4: Mr. G.C. Jha, Advocate.

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06/08.09.2021.

After some argument, learned counsel for the petitioner has submitted that he wants to withdraw this writ petition, which was inadvertently filed against the order of dismissal passed by Chairman, Permanent Lok Adalat, Jamshedpur in P.L.A. Case No. 449/2007, rather claim application ought to have been filed before the Motor Vehicle Accident Claims Tribunal, Jamshedpur.

Mr. G.C. Jha appearing for the New India Insurance Company has opposed the prayer.

Learned counsel for the respondent no. 1 / owner of Tractor No. NL-01D-1097, Md. Zaid Ahmad, has submitted that petitioner may take remedy before the competent court of law in accordance with law.

Considering the rival submissions of the parties, petitioner is permitted to withdraw this writ petition with liberty to prefer claim application before the competent court i.e. Motor Vehicle Accident Claims Tribunal and Insurance Company and Owner are equally given liberty to refute the claim by filing their detail written statement.

However, learned Tribunal shall not be prejudiced by rejection of the claim application in terms of order dated 06.03.2009 passed by Chairman, Permanent Lok Adalat, Jamshedpur in P.L.A. Case No. 449/2007 and decide and adjudicate the issue on the basis of pleadings of the parties.

Accordingly, the writ petition is dismissed as withdrawn with liberty to the petitioner to raise this issue before the competent court of law i.e. Motor Vehicle Accident Tribunal.

(Kailash Prasad Deo, J.)