
(2003) 08 PAT CK 0125
In the Patna High Court
Case No : M.A. No. 354 of 2002

Branch Manager, The New India Assurance Co. Ltd.	APPELLANT
Vs	
Rustam Quaraisi and Others	RESPONDENT

Date of Decision : 04-08-2003

Acts Referred:

Citation : (2003) 08 PAT CK 0125

Final Decision : Dismissed

Judgement

P.K. Deb, J.—Heard the learned Counsel for the parties.

2. This appeal has been preferred by the above named Insurance company which has been fastened with the amount of compensation to the tune of Rs. 2,50,000/- together with interest.

3. The main weapon of contest in this appeal is on the quantum of compensation alone which is not within the scope of Motor Vehicles Act. It has been held by the Apex Court consisting of three Judges Bench in a judgment, as reported in National Insurance Co. Ltd., Chandigarh Vs. Nicolletta Rohtagi and Others, that the Insurance Company is debarred from questioning the claim case on merit including the quantum unless a permission is being taken by a reasoned order from the Tribunal as contemplated u/s 170 of the Motor Vehicle Act otherwise the Insurance Company's right of questioning is Limited to u/s 149B of the Motor Vehicle Act.

4. In that view of the matter, there is no scope to entertain this Misc Appeal. This matter has been dealt with by this Court in M.A. No. 76 of 2002 disposed of on 1.7.2003. The present appeal is totally covered by that judgment. Hence, this appeal is also dismissed on the ground of maintainability.

5. The statutory amount which was already been deposited in the appeal u/s 173 of the Motor Vehicle Act may be disbursed in favour of the claimants-Respondents if the claim amount has not yet been paid by the Insurance Company and such payment shall be made on proper identification of the

claimants before the Registry.