

(2010) 05 AHC CK 0348
In the Allahabad High Court
Case No : C.M.W.P. No. 25494 of 2010

New India Assurance Co. Ltd.

APPELLANT

Vs

Soran Singh and Others

RESPONDENT

Date of Decision : 06-05-2010

Acts Referred:

Motor Vehicles Act, 1988 — Section 170

Citation : (2010) 5 AWC 4589

Hon'ble Judges : V.K. Shukla, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Shukla, J.—In the present case New India Assurance Co. Ltd. in Motor Accident Claim Petition No. 421 of 2007 moved an application u/s 170 of Motor Vehicles Act for according permission to put forth its point of view. On the said application being moved, objection has been filed and thereafter Motor Accident Claims Tribunal has found that there is no collusion in between claimant and owner of the Vehicle and matter has been effectively being pleaded, and in such a situation said application has been rejected. At this juncture present writ petition in question has been filed.

2. Sri Rahul Sahai, advocate, learned Counsel for the petitioner contended with vehemence that in the present case facts and circumstances of the case warranted allowing of application u/s 170 of Motor Vehicles Act as collusion was writ apparent in between the claimant and owner of the vehicle, and as such writ petition deserves to be allowed.

3. Countering the said submission, Sri Nigmendra Shukla, advocate, learned Counsel for the respondent on the other hand contended that application moved on behalf of the insurance company is merely based on apprehension whereas there is genuine contest in between claimant and the owner and their behaviour and nature is of true adversary of the vehicle, as such writ petition deserves to

be dismissed.

4. After respective arguments have been advanced, undisputed factual position, which is emerging in the present case is that Motor Accident Claims Tribunal has considered the request of the petitioner after examining the record and has found that owner of the vehicle in no way has colluded with the claimant and has been effectively dealing/contesting with the matter. Once such opinion has been formed, then in this background merely because, some shortcoming has been sought to be pointed out by the petitioner, application u/s 170 of Motor Vehicles Act is not at all liable to be allowed. In the totality of the circumstances, once Tribunal has satisfied itself that there is no collusion and effectively litigation is being contested, then in such a situation no interference is being made.

5. Consequently, writ petition lacks substances and same is dismissed.