

(1999) 06 KL CK 0001
In the High Court Of Kerala
Case No : O.P. No. 25239 of 1998

Oriental Insurance Co. Ltd.

APPELLANT

Vs

M.A.C.T. and Others

RESPONDENT

Date of Decision : 07-06-1999

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Motor Vehicles Act, 1988 — Section 173

Citation : (1999) 2 ACC 540 : (2000) ACJ 558

Hon'ble Judges : J.B. Koshy, J

Bench : Single Bench

Advocate : Jacob Muricken and Dinesh Muricken, for the Appellant; C.K. Abdul Rahim, for the Respondent

Final Decision : Dismissed

Judgement

J.B. Koshy, J.—Petitioner insurance company, a public sector undertaking, is challenging the order of the Motor Accidents Claims Tribunal, Perumbavoor, dated 25.9.1997, under Article 227 of the Constitution of India. Petitioner was the respondent No. 3 in the case before the Tribunal. Petitioner's contentions were considered and an amount of Rs. 3,700 was ordered by the Tribunal even though claim was for Rs. 21,250. This writ petition is filed contending that no compensation should have been allowed as the driver was also not having valid licence. This is a question of fact to be specifically pleaded before the Tribunal. This contention is not seen argued before the authority concerned. Well settled grounds for interference under Articles 226 and 227 of the Constitution of India are absent. There is no patent jurisdictional error or perverse finding.

2. Apart from the above, an appeal is provided against the awards of the Motor Accidents Claims Tribunal. It is specifically provided in Section 173(2) of the Motor Vehicles Act that no appeal shall be filed, if the amount in dispute is less than Rs. 10,000. The intention of Parliament is that if the award amount is Rs. 10,000 or below, it should be paid and it cannot be challenged. The above

provision cannot be bypassed by filing an original petition except in extraordinary circumstances. When the amount awarded is very small, unnecessary litigation at the expense of public money should have been avoided. [See Central Co-operative Consumers' Store Ltd. Vs. Labour Court, Himachal Pradesh at Shimla and another, .

Therefore, the writ petition is not maintainable and is dismissed.