

(2005) 08 RAJ CK 0050
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3677 of 2005

Oriental Insurance Co. Ltd.	Vs	APPELLANT
Smt. Bhanwar Devi and Others		RESPONDENT

Date of Decision : 04-08-2005

Acts Referred:

Motor Vehicles Act, 1988 — Section 170, 173

Citation : (2005) 4 ACC 856 : (2005) 4 RLW 2641 : (2005) 4 WLC 358

Hon'ble Judges : N.P. Gupta, J

Bench : Single Bench

Advocate : Anil Bachhawat, for the Appellant;

Final Decision : Dismissed

Judgement

N.P. Gupta, J.—Heard learned Counsel for the petitioner,

2. By the impugned award, the Motor Accident Claims Tribunal has awarded a compensation of Rs. 4,42,262/-, and after adjusting the amount under no fault liability award, the award has been passed for the rest of the amount.

3. Learned Counsel submits that the multiplier employed is incorrect, inasmuch as, the claimants were the parents, and therefore, the multiplier relevant to the age of the claimant should have been employed. The other submission made is that since the deceased was traveling on the roof of the bus, therefore also, the finding on issue of negligence requires interference.

4. Obviously, the award is appealable u/s 173 of the Motor Vehicles Act. Learned counsel points out that since the petitioner was not granted any permission u/s 170 of the Motor Vehicles Act, the petitioner cannot file appeal, therefore, the petitioner has filed writ petition.

5. I am afraid the present writ petition cannot be entertained simply on the ground that the grounds sought to be raised to challenge the award are not available to the petitioner in appeal, for want of requisite permission u/s 170.

The fact remains that the impugned award is appealable.

6. The writ petition is, therefore, dismissed summarily.