

(2000) 02 MP CK 0026

In the Madhya Pradesh High Court

Case No : Miscellaneous Appeal No. 200 of 2000

Ram Khilawan Verma

APPELLANT

Vs

Rikhiram and Others

RESPONDENT

Date of Decision : 11-02-2000

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 23 Rule 1
Madhya Pradesh Motor Vehicles Rules, 1994 — Rule 240

Citation : (2000) 3 MPHT 109

Hon'ble Judges : P.N.S. Chauhan, Acting C.J.;Rajeev Gupta, J

Bench : Division Bench

Advocate : H.S. Patel, for the Appellant;

Final Decision : Dismissed

Judgement

D.P.S. Chauhan, Ag. C.J.

1. This appeal is directed against the order dated 23-9-99 passed in Claim Case No. 97/97 by the 1st Additional Motor Accident Claims Tribunal, Raipur rejecting the claim petition on the ground that in claim cases provisions of Order 23 Rule 1 of the CPC are applicable.

2. Heard learned counsel Shri H.S. Patel.

3. Learned counsel for the appellant submitted that provisions of Order 23 Rule 1 of the CPC would not apply in the claim cases and the fact that earlier the appellant withdrew claim petition was of no consequence and he was entitled to maintain a fresh claim case.

4. The Claims Tribunal considered this aspect of the matter in Paragraphs 9 and 10 of the impugned order. According to Rule 240 of the Madhya Pradesh Motor Vehicle Rules, 1994, which is as extracted below :

240- Any person who is liable to pay compensation under the Motor Vehicle Act, 1939, shall be liable to pay compensation under the Motor Vehicle Act, 1939, in accordance with the provisions of the Motor Vehicle Rules, 1994, which are as extracted below :

vfHkO;? :i ls tSlk vU;Fkk micaf/kr gS] ds flok; flfoy izf?;k lafgrk] 1908 ?1908 dk la- 5? dh izFke vuqlwph ds fuEufyf[kr mica/k vFkkZr~ tks vkns"k ik?p] fu;e 9 ls 13 rFkk 15 ls 20 vkns"k ukS] vkns"k rsjg fu;e 3 ls 10] vkns"k lksyg] fu;e 2 ls 21] vkns"k l=g] vkns"k bDdhl rFkk vkns"k rsbZl fu;e 1 ls 3 esa vUrfoZ"V gS] nkok vf/kdj.k ds le{k dh dk;Zokfg;ksa ij ykxw gksaxs tgk? rd fd os mudks ykxw gksrs gksaA**

The provisions of Order 23 Rule 1 of the CPC have been made applicable to the proceedings before the Motor Accident Claims Tribunal.

5. In view of above, the submission has no substance.

6. The appeal is sans substance. It is accordingly rejected.