
(2002) 09 P&H CK 0112
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2013 of 2000

United India Insurance Co. Ltd.

APPELLANT

Vs

Smt. Saroj and Others

RESPONDENT

Date of Decision : 13-09-2002

Acts Referred:

Constitution of India, 1950 — Article 227
Motor Vehicles Act, 1988 — Section 166

Citation : (2003) 1 ACC 483 : (2003) ACJ 1377 : (2003) 133 PLR 93

Hon'ble Judges : M.M. Kumar, J

Bench : Single Bench

Advocate : Ravinder Arora, for the Appellant; S.N. Pillania, for Respondent Nos. 1 to 3 and Naresh Katyal, for the Respondent

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—This revision petition has been filed under Article 227 of the Constitution of India challenging the order dated January 25, 2000 passed by the Motor Accident Claims Tribunal, Jhajjar. The Tribunal has rejected the application filed by the petitioner seeking amendment in the written statement wherein a prayer was made to withdraw earlier admission made with regard to accident. In the earlier written statement filed by the petitioner, the accident has been admitted in an unambiguous, terms. However, in an application filed by the petitioner-Insurance Company, the accident is sought to be disputed on the basis of the order passed by the Magistrate acquitting the accused.

2. At the outset, it deserves to be mentioned that revisional powers of this Court can be exercised under Article 227 in exceptional cases where grave injustice might have resulted, if the order impugned is allowed to stand. However, this Court cannot substitute its powers of superintendence with the appellate powers. It is also pertinent to mention that the policy of legislation as reflected in the amendments made effective from July 1, 2002 is to leave such type of orders to the appellate Courts. Admittedly, the final order to be passed by the Tribunal

could be subject to an appeal before this Court, wherein even this interlocutory order u/s 173 of the Motor Vehicles Act has been passed. Admittedly, even the impugned order could also be challenged in such an appeal. In the case of Ouseph Mathai and Others Vs. M. Abdul Khadir, , their Lordships of the Supreme Court while interpreting Articles 226/227 of the Constitution has observed as under:

"It is not denied that the powers conferred upon the High Court under Article 226 and 227 of the Constitution are extraordinary and discretionary powers as distinguished from ordinary statutory powers. No doubt Article 227 confers a right of superintendence over all courts and tribunals throughout the territories in relation to which it exercises the jurisdiction but no corresponding right is conferred upon a litigant to invoke the jurisdiction under the said article as a matter of right. In fact power under this article casts a duty upon the High Court to keep the inferior courts and tribunals within the limits of their authority and that they do not cross the limits, ensuring the performance of duties by such courts and tribunals in accordance with law conferring powers within the ambit of the enactments creating such courts and tribunals. Only wrong decisions may not be a ground for the exercise of jurisdiction under this article unless the wrong is referable to grave dereliction of duty and flagrant abuse of power by the subordinate courts and tribunals resulting in grave injustice to any party."

Therefore, the revision petition is dismissed. However, the dismissal of the revision petition shall not be construed as a bar for the petitioner to challenge the impugned order on any available grounds by filing the first appeal u/s 173. In view of the fact that the proceedings in this case were stayed by this Court on May 17, 2000, I deem it appropriate to direct the Tribunal to dispose of the claim petition within a period of six months from the date of receipt of copy of this order. The parties through their counsel are directed to appear before the Tribunal on September 27, 2002.