

(2006) 10 P&H CK 0087

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Oriental Insurance Company Ltd.

APPELLANT

Vs

Ved Pal and Others

RESPONDENT

Date of Decision: Oct. 30, 2006

Acts Referred:

- Constitution of India, 1950 - Article 227
- Motor Vehicles Act, 1988 - Section 163A

Citation: (2007) 2 ACC 123

Hon'ble Judges: Vinod K.Sharma, J

Bench: Single Bench

Judgement

Vinod Kumar Sharma, J.

The present revision petition has been filed against the order dated 8.4.2005 passed by the learned Motor Accident Claims Tribunal, Karnal allowing the claimant-respondents to withdraw the claim petition on the plea that in view of the income proved on record, petition u/s 163A of the Motor Vehicles Act was not competent. The petitioner has also been granted liberty for filing fresh claim petition on the same cause of action.

2. The learned Counsel for the petitioner places reliance on the judgment of this Court in the case of Amrik Singh v. Pritam Singh and Ors. 1985 (2) PLR 44, to contend that once the plaint was allowed to be amended, subsequent application for withdrawal of the suit could not have been allowed.

3. I have gone through the above cited authority and find that the facts of the same are not at all applicable in the present case because in the present case the income of the deceased is more than Rs. 40,000 per annum, therefore, the petition u/s 163A of the Motor Vehicles Act is not maintainable.

4. In view of this, there is no error in the order passed by the learned the Tribunal which may call for interference by this Court under Article 227 of the Constitution of India.

5. Dismissed.