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National Insurance Co Ltd Vs Suman Devi & Others

None

Court: Allahabad High Court

Date of Decision: May 21, 2009

Hon'ble Judges: Amitava Lala, J and Devendra Kumar Arora, J

Final Decision: Allowed

Judgement

Amitava Lala and D.K. Arora, JJ.

This appeal has been preferred by the insurance company on the ground of quantum and contributory negligence in spite of rejection of application

under Section 170 of the Motor Vehicles Act, 1988 which, according to us, is not maintainable in view of the judgements of this Court reported in

2007 (4) ADJ 101 (Oriental Insurance Company Limited Vs. Smt. Manju and others) and of the Supreme Court reported in AIR 2002 SC 3350

(National Insurance Co. Ltd., Chandigarh Vs. Nicolleta Rohtagi and others). Therefore, the appeal can not be admitted and is dismissed at the

stage of admission without imposing any cost.

Incidentally, the appellantinsurance company prayed that the statutory deposit of Rs. 25,000/ made before this Court for preferring this appeal be

remitted back to the concerned Motor Accidents Claims Tribunal as expeditiously as possible in order to adjust the same with the amount of

compensation to be paid to the claimants, however, such prayer is allowed.