

Geeta Devi & Others

v.

Puran Ram Raigar & Another

(Supreme Court Of India)

HON'BLE MR. JUSTICE MARKANDEY KATJU HON'BLE MR. JUSTICE T.S. THAKUR

Geeta Devi & Others v. Puran Ram Raigar & Another

Civil Appeal No. 7390 Of 2010 | 06-09-2010

1. Leave granted.

2. Heard learned counsel for the appearing parties.

3. This Appeal has been filed against the judgment and order dated 05th July, 2007 passed by the Division Bench of the High Court of Rajasthan, Jaipur Bench, Jaipur in D.B.Civil Special Appeal No. 10 of 2007.

4. In our opinion, the Division Bench of the High Court has rightly held that the appeal against the order of the learned Single Judge dated 07th August, 2006 did not lie in view of Section 100-A, CPC. The learned Single Judge had decided the Misc. Appeal No.2777/2003 against the award of the Motor Accident Claims Tribunal. In our opinion, this intra court appeal in the High Court was not maintainable in view of Section 100-A, CPC notwithstanding anything in the High Court Rules or the Letters Patent to the contrary. Hence, the appeal was rightly dismissed by the Division bench of the High Court and this appeal is, therefore, dismissed. However, dismissal of this appeal will not prevent the appellants from filing a S.L.P. directly against the judgment of the learned Single Judge dated 07th August, 2006 dismissing the Misc. Appeal arising out of the impugned award dated 20th September, 2003 passed by the Motor Accident Claims Tribunal, Shahpura, District Jaipur in Claim Petition No.177/2002, if so advised and subject to all just exceptions including limitation. No costs.