

Narendra Singh and ors. Vs. Dhappo

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Court : Allahabad

Decided On : Jul-19-1989

Reported in : I(1990)ACC174; 1990ACJ625

Judge : N.N. Mithal and ;G.D. Dubey, JJ.

Appeal No. : F.A.F.O. No. 671 of 1989

Appellant : Narendra Singh and ors.

Respondent : Dhappo

Disposition : Appeal dismissed

Judgement :

N.N. Mithal, J.

1. This appeal purports to have been filed under Order 43, Rule 1 (d) read with Section 110D of the Motor Vehicles Act. None of the orders annexed with the memo of appeal is the award passed by the Motor Accidents Claims Tribunal. The only orders which have been annexed are the one passed on 5.4.1988 by which the court had directed the case to proceed ex parte against the appellants. The other order is dated 13.4.1989 by which the appellants' application for setting aside the ex parte award has been dismissed. None of these orders, therefore, will be covered by Section 110-D of the Motor Vehicles Act. Learned counsel

submitted that the appeal lies under Order 43, Rule 1 (d). However, Order 43 has not been made applicable in proceedings under the Motor Vehicles Act. Rule 21 of the Motor Accidents Claims Tribunals Rules applicable in U.P. only makes Order 9, Rule 13 applicable to these proceedings. This does not include the provision of Order 43, Rule 1. In this view of the matter, we are of the opinion that the appeal does not lie. It is accordingly dismissed.

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