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ITEM NO.72

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2013
CC 11081/2013

(From the judgement and order dated 19/11/2012 in RP No.4046/2012, of The
NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

UNITED INDIA INSURANCE CO. LTD.

Petitioner(s)

VERSUS

MAHESH CHANDRA ARYA

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 08/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Abhishek Kumar, Adv.

Mr. Viresh B. Saharya, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Although, prima facie, we find that the dispute regarding claim of compensation could not have been entertained by the Consumer Forum as the same was fit to be entertained by the Motor Accident Claims Tribunal under the Motor Vehicles Act, yet we refrain from interfering as we find that a sum of Rs.2,90,000/- has been ordered to be paid to the respondent-claimant in a case of death of about eight persons. It appears that the petitioner also has not objected to the entertainment of the claim by the Consumer Forum which also is difficult to comprehend. However, at this belated stage when the amount of compensation cannot be held to be exorbitant, we refrain from interfering but deem it appropriate to observe that the insurance companies would be at liberty to raise the question of jurisdiction in regard to the claim of compensation under the Motor Vehicles Act, if the same is entertained by the Consumer Forum.

Subject to the aforesaid observation, the special leave petition is dismissed.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER