

(
SLP(C)... 10168 OF 2003
ITEM No.19

Court No. 8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(Civil)...../2003
(CC:10168)

(From the judgement and order dated 23/04/2003 in MA 148/02
of The High Court of Jharkhand at Ranchi)

BRANCH MANAGER,NATIONAL INSURANCE CO.LTD

Petitioner (s)

VERSUS

MURTI DEVI & ORS.

Respondent (s)

With I.A. 1 (C/delay in filing SLP and office report)

Date : 02/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)
Mr. Piyush Sharma, Adv.

Mr. Pramod Dayal,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

We have heard the learned counsel for the petitioner at great length. We are unable to accept the submission that the authority in the case of National Insurance Company Limited, Chandigarh vs. Nicolletta Rohtagi And Others, reported in (2002) 7 SCC 456 permits the Insurance Company to contest a claim on merits or file an appeal on merits even in cases where the Tribunal has not granted the permission under Section 170 of the Motors Vehicles Act if the owner or the driver has not contested the claim. The Special Leave Petition stands dismissed.

Anita

(Jasbir Singh)
Court Master