

[2010] 10 S.C.R. 969

GEETA DEVI & ORS.

v.

PURAN RAM RAIGAR & ANR.
(Civil Appeal No. 7390 of 2010)

SEPTEMBER 6, 2010

[MARKANDEY KATJU AND T.S. THAKUR, JJ.]

Code of Civil Procedure, 1908:

s.100-A – No further appeal in certain cases – Appeal against order of single Judge of High Court arising out of award of Motor Accident Claims Tribunal – Maintainability of – HELD: Division Bench of High Court rightly held that the appeal would not lie in view of s.100-A – However, dismissal of the instant appeal by Supreme Court will not prevent the appellants from filing an SLP directly against the judgment of single Judge of the High Court, if so advised, subject to all just exception including limitation – Constitution of India, 1950 – Article 136 .

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7390 of 2010.

From the Judgment & Order dated 5.7.2007 of the High Court of Judicature at Rajasthan at Jaipur Bench, Jaipur in D.B. Civil Special Appeal No. 10 of 2007 in S.B. Civil Misc. Appeal No. 2777 of 2003.

Mukesh Sharma (for Rameshwar Prasad Goyal) for the Appellants.

A.K. De, R. Dwivedi (for Debasis Misra), Mohan Pandey for the Respondents.

The following Order of the Court was delivered

A ORDER

Leave granted.

Heard learned counsel for the appearing parties.

B 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.

C 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 **D** 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, -2- dismissed. However, dismissal of this **E** 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 **F** Claim Petition No. 177/2002, if so advised and subject to all just exceptions including limitation. No costs.

R.P.

Appeals dismissed.