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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 733/2010**

CHOLAMANDALAM MS GENERAL INS CO LTD Appellant
Through : **Ms. Suman Bagga, Advocate.**

versus

KUSUM DEVI & ORS Respondents
Through

CORAM:
HON'BLE MS. JUSTICE REVA KHETRAPAL

% **ORDER**
08.11.2010

CM No. 19659/2010

Exemption granted subject to all just exceptions.

The application stands disposed of.

MAC APP. NO. 733/2010 and CM No. 19658/2010 (for stay)

This appeal has been preferred by the appellant assailing the Award dated 21st August, 2010 passed by the Motor Accident Claims Tribunal on the aspect of quantum of compensation awarded by the Tribunal. It is admitted by the appellant that since the owner and driver of the offending bus contested the claim petition on merits, hence no permission under Section 170 of the Motor Vehicles Act, 1988 could be obtained by the appellant.

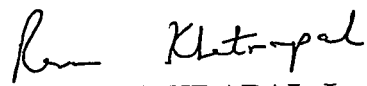
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In view of the fact that permission under Section 170 of the Motor Vehicles Act, 1988 is a *sine qua non* to enable the appellant to assail the award passed by the Motor Accident Claims Tribunal on grounds other than those enumerated under Section 149(2) of the Motor Vehicles Act, 1988, the present appeal is not maintainable and is accordingly dismissed as such.


REVA KHETRAPAL, J

NOVEMBER 08, 2010

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