

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1457 of 2000

Arising out of

Miscellaneous Appeal No. 543 of 1999

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1. Shravan Kumar, son of Sri Thakur Umeshwar Prasad Singh
 2. Amrita Singh, daughter of Sri Shravan Kumar
 3. Amit Kumar Singh, son of Sri Shravan Kumar.

All resident of 212, Triveni Apartment, East Boring Canal Road, Patna 800001

Appellants no. 2 and 3 represented through their father, Sri Shravan Kumar

.....(Claimants/Appellants)-Appellants

Versus

1. Mohan Singh son of Raghuvan Singh, resident of Mission Road, Assam (Driver of the Bus).
2. Sri Shailendra Kumar Singh, son of Chandra Sekhar Prasad Singh resident of Modern Service Station, Emalichatti, Muzaffarpur (Owner of Bus)
3. The Divisional Manager, Oriental Insurance Company Limited, at Motijheel, Muzaffarpur (Insurer)

.....(Respondents)/Respondents

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With

Letters Patent Appeal No. 1460 of 2000

Arising out of

Miscellaneous Appeal No. 552 of 1999

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1. Ashok Kumar Singh, son of Late Narendra Singh
 2. Mrs. Abha Singh, wife of Sri Ashok Kumar Singh
 3. Miss Akamsha Singh, Minors under the guardianship of their parents (1 and 2)
 4. Miss Anubha Singh Minors under the guardianship of their parents (1 and 2)

All 1 to 4 are residents of Flat No. 304, Sangeeta Apartment, West Boring Canal

Road, P.S. Srikrishnapuri, District Patna

5. Ramesh Kumar Thakur @ Ramesh Kumar, son of Sri Biju Thakur, P.O. Pojhia, Lalganj, District Vaishali.

All through duly authorized agent Mr. Shravan Kumar son of Mr. Thakur Umeshwar Pd. Singh, resident of 212, Triveni Apartment, Off East Boring Canal Road, P.S. Budha Colony, District Patna

.....(Claimants/Appellants)-Appellants

Versus

1. Mohan Singh son of Raghuvan Singh, resident of Mission Road, Assam (Driver of the Bus).
2. Sri Shailendra Kumar Singh, son of Chandra Sekhar Prasad Singh resident of Modern Service Station, Emalichatti, Muzaffarpur (Owner of Bus)
3. The Divisional Manager, Oriental Insurance Company Limited, at Motijheel, Muzaffarpur (Insurer)

.....(Respondents)/Respondents

With

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Letters Patent Appeal No. 1461 of 2000
Arising out of
Miscellaneous Appeal No. 553 of 1999

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Shravan Kumar, son of Sri Thakur Umeshwar Prasad Singh resident of 212, Triveni Apartment, East Boring Canal Road, Patna 800001 on behalf of minor son of the deceased Sri Amit Kumar Singh

.....(Claimant/Appellant)-Appellant

Versus

1. Mohan Singh son of Raghuvan Singh, resident of Mission Road, Assam (Driver of the Bus).

2. Sri Shailendra Kumar Singh, son of Chandra Sekhar Prasad Singh resident of Modern Service Station, Emalichatti, Muzaffarpur (Owner of Bus)

3. The Divisional Manager, Oriental Insurance Company Limited, at Motijheel, Muzaffarpur (Insurer)

.....(Respondents)/Respondents

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Appearance :

For the Appellants : Mr. Rajiv Nayan Singh, Advocate

For the Respondents No. 1 and 2 : Mr. Mukesh Prasad Singh, Advocate

For the Respondent No. 3 : Mr. A.C. to Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 10-04-2015

Counsel for the appellants prays for time to satisfy us on the question of maintainability of these appeals.

2. These Letters Patent Appeals having been filed in the year 2000 and kept pending for more than 14 years, we are not inclined to further adjourn the matter even for a single day and we proceed to consider the maintainability matter first.

3. It appears these Appeals under Clause 10 of the Letters Patent of the High Court have been filed assailing the judgment dated 16.08.2000 passed in Miscellaneous Appeals No. 543 of 1999, 552 of 1999 and 553 of 1999 whereunder claim of the

accident victim has been allowed for the sufferance undergone pursuant to road accident. The claimants being not satisfied with the quantum allowed by the learned Single Judge filed these appeals. Aforesaid appeals are not maintainable under Section 173 of Motor Vehicles Act, 1988 (hereinafter referred to as the ‘Act’) as thereunder only one appeal against the order passed by the Claims Tribunal granting compensation is maintainable. Learned Single Judge having considered the claim of the accident victim under order dated 16.08.2000 allowed compensation taking into account the relevant facts as also loss suffered by the victim.

4. In the circumstances, we are satisfied that there is no merit in these appeals which even otherwise are not maintainable as Section 173 of the Act does not permit any further appeal against the order of the learned Single Judge before the Division Bench of the same High Court. We accordingly dismiss these appeals.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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