

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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L.P.A.No.1 OF 2009

JUDGMENT:- (per Hon'ble Sri Justice K.C.Bhanu)

This appeal, under Clause 15 of Letters Patent, is filed challenging the judgment and decree, dated 03.07.2003, in C.M.A.No.1127 of 2003 on the file of this Court.

2. Vide impugned judgment, the appellants herein/claimants were held entitled to Rs.1,27,841/- with interest at 9% per annum from the respondents herein from the date of filing of the claim petition till the date of deposit before the Commissioner. Challenging only with regard to granting of interest at the rate of 9% p.a. from the date of filing of the claim petition till the date of deposit before the Commissioner instead of 12% p.a. from the date of accident till the date of realisation, the present appeal was filed by the claimants.

3. Heard.

4. Learned Standing Counsel for respondent No.1 placed reliance on a Larger Bench decision, dated 05.06.2006, in LPA(SR) Nos.87377 of 2003 and Batch, 82357 and 67108 of 2001, 1600 of 2004 and Batch, 2156 of 2005 and Batch and LPA Nos.5 of 2004 and Batch and 1 of 2005 and Batch of this Court in between **United India Insurance Co., Ltd., Palamaner Branch, Tirupathi v. S.Surya Prakash Reddy and others**^[1], wherein it is held at para No.42 as under:

"In view of the above discussion, the question referred to the Larger Bench is answered in the following terms:

"After insertion of amended Section 100-A in the Code of Civil Procedure, 1908, by Act No.22 of 2002, Letters Patent Appeal is not maintainable against the judgment rendered by a Single Bench in an appeal arising out of a special enactment."

5. In view of the amendment of the Code of Civil Procedure, 1908 (C.P.C.) in the year 2002 and the law laid down by the Larger Bench of this Court, the Letters Patent Appeal itself is not maintainable. As the appeal was filed in the year 2009, the provisions of the amended C.P.C. would be applicable in view of the aforementioned decision.

6. Therefore, the Letters Patent Appeal is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

JUSTICE K.C.BHANU

JUSTICE M.SEETHARAMA MURTI

Date: 11.3.2015
AMD

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AMD

[\[1\]](#) 2006(4) ALD 530 (LB)