

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

M.A.C.M.A.No.2587 of 2005

ORDER:

Heard and perused the material available before this Court.

When the matter is taken up, a preliminary objection, as to the maintainability of the appeal, is taken by the learned counsel for the first respondent-claimant, by contending that, under Section 173 of the Motor Vehicles Act, 1988, appeal lies only against the award of the Motor Vehicles Claims Tribunal and the present appeal has been filed only against the order passed in the review application. The first respondent herein filed O.P.No.426 of 1999, under Section 166 of the Act, claiming a sum of Rs.1,50,000/- towards injuries sustained in an accident which took place on 28.08.1997. The Motor Vehicles Accidents Claims Tribunal, by way of judgment, dated 03.12.2002, partly allowed the said O.P., granting compensation of Rs.60,000/-. Seeking review of the said judgment, the appellant-insurance company filed I.A.No.699 of 2004. The Tribunal, by way of the order under challenge, dated 31.05.2005, dismissed the said application.

Admittedly, the present appeal is filed only against the order passed in the review application but not against the judgment rendered in the main O.P.No.426 of 1999. In the considered opinion of this Court, on the said ground alone, the present appeal is liable to be dismissed.

Accordingly, the appeal is dismissed. Miscellaneous Petitions pending, if any, in this appeal, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI,J

06th December, 2017
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