IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 587 of 2026

1. Mohammad Naimuddin Ansari, s/o Late Md. Jasimuddin Ansari, aged about 48 years (deceased of the father)
2. Nuresha Bibi, W/o Mohammad Ansari, aged about 44 years
   Both R/o Village – Amlatand, Near Masjid, P.O. & P.S. – Govindpur, Dist. – Dhanbad (deceased of mother)

… … Appellants.

Versus

1. Sr. Divisional Manager, National Insurance Co. Ltd., having its Divisional Office at B.P. Agarwala Building, P.O. & P.S. – Dhansar, District – Dhanbad, Jharkhand.
2. Sanjay, S/o Surendra, R/o – Vill – Bhagdana, Palri Panihara, M/Garh, Mahendragarh, Haryana.

… … … Respondents

… … …

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr Nasim Akhtar, Advocate

… … … …

02/Dated: 02.11.2026

1. Heard Mr Nasim Akhtar for the appellants.

2. This appeal is directed against the impugned order dated 16.12.2025 passed by the learned Single Judge allowing the Insurance Company's application under Order XLI Rule 27 of CPC for production of additional evidence at the appellate stage.

3. An objection has been raised to the maintainability of this appeal, *inter alia,* on the ground that Section 100A of the CPC bars the Letters Patent Appeal even against the final order made by the appellate Court in proceedings under the Motor Vehicles Act, 1988. Therefore, the present Letters Patent Appeal, which is only against an interlocutory order passed in a Motor Accident Appeal, is not maintainable.

4. The learned counsel for the appellants first submits that there was no scope to allow the application under Order XLI Rule 27 of the CPC in the facts and circumstances of the present case. He relies on a Judgment rendered in the case of ***A. Andisamy Chettiar Vs. A. Subburaj Chettiar*** reported in ***(2015) 17 SCC 713*** to support this contention. Secondly, he submits that the impugned order has the trappings of a Judgment and, therefore, relying on the Judgment rendered in ***Shah Babulal Khimji Vs Jayaben D. Kania and another*** reported in ***(1981) 4 SCC 8***, the learned counsel submits that the Letters Patent Appeal would be maintainable.

5. We have considered the submissions made by the learned counsel for the appellants. However, we are not convinced about the maintainability of this appeal. The reasons for our conclusion are set out briefly hereafter.

6. Firstly, the contention that the impugned order is in breach of the provisions of Order XLI Rule 27 of the CPC goes to the merits of the matter, not to the maintainability of the appeal. Unless the appeal is held to be maintainable, there is no question of addressing the merits or demerits of the matter.

7. Secondly, the ratio in ***Shah Babulal Khimji (Supra)*** operates in a situation where a Letters Patent Appeal is maintainable and not barred by any provision of law. This decision was rendered when Section 100A of the CPC was not even in the statute book.

8. Section 100A of the CPC provides that notwithstanding anything contained in the Letters Patent of any High Court or in any instrument having the force of law or in any other law for the time being in force, where any appeal from an original or appellate decree or order is heard and decided by a Single Judge of the High Court, no further appeal shall

lie from the Judgment and Decree of such Single Judge. This provision came into force with effect from 01.07.2002.

9. Given the above provision, an appeal even against the final order made in M.A. No. 33 of 2025 would not lie. Obviously, therefore, such an appeal would not be maintainable against an interlocutory order made during the pendency of an appeal. The above position is no longer *res integra*.

10. The Division Bench of this Court, in the case of ***United India Insurance Co. Ltd., Ranchi Vs. Lila Kunwar and others*** in L.P.A. No. 214 of 2011, decided on 17.11.2011, after relying on the Judgment rendered in the case of ***Geeta Devi & Others – versus – Puran Ram Raigar & Another*** reported in ***(2010) 9 SCC 84***, held that an appeal against the order of the learned Single Judge in a matter arising out of Motor Accidents Claims Tribunal is not maintainable in view of Section 100A of the Code of Civil Procedure.

11. ***Geeta Devi & Others (Supra)*** is a short Judgment but applies on all fours in the present case. Therefore, we transcribe its contents for the ease of reference:

> *"1. Leave granted. Heard the learned counsel for the appearing parties.*
> *2. This appeal has been filed against the judgment and order dated 5-7-2007 passed by the Division Bench of the High Court of Rajasthan, Jaipur Bench, Jaipur in DB Civil Special Appeal No. 10 of 2007.*
> *3.* ***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 7-8-2006 did not lie in view of Section 100-A CPC. The learned Single Judge had decided Miscellaneous Appeal No. 2777 of 2003 against the award of the Motor Accidents Claims Tribunal. In our opinion, this intra-court appeal 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, dismissed.***
> *4. However, dismissal of this appeal will not prevent the appellants from filing an SLP directly against the judgment of the learned Single Judge dated 7-8-2006 dismissing the miscellaneous appeal arising out of the impugned award dated 20-9-2003 passed by the Motor Accidents Claims Tribunal, Shahpura, District Jaipur in Claim Petition No. 177 of 2002, if so advised and subject to all just exceptions including limitation. No costs."*

12. In view of the clear ruling of the Hon'ble Supreme Court and the decision of the coordinate Bench in ***United India Insurance Co. Ltd., Ranchi Vs. Lila Kunwar and others*** (Supra), which, in turn, is based upon the decision of the Hon'ble Supreme Court in ***Geeta Devi & Others (Supra)***, we hold that the present appeal is not maintainable.

13. The appeal is dismissed as not maintainable without adverting to the merits of the matter. I.As., if any, will not survive and are disposed of.

14. However, as observed by the Hon'ble Supreme Court in ***Geeta Devi & Others (Supra)***, the dismissal of this appeal will not prevent the appellants from filing an SLP directly against the Judgment of the learned Single Judge, if so advised.

(M.S. Sonak, C.J.)

(Manoj Prasad, J.)

02.11.2026
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Uploaded on 06.11.2026