

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31st DAY OF MAY 2006

BEFORE

THE HON'BLE MR.JUSTICE H.G.RAMESH

CIVIL REVISION PETITION NO.144/2006

BETWEEN :

The Manager,
The New India Assurance Co.Ltd.
Rep.by the Deputy Manager,
Regional Office,
New India Assurance Co.Ltd.,
No.2-B, Unity Building Annexe,
Mission Road,
Bangalore - 560 002.

PETITIONER

(Sri. M.Narayanappa, Adv.)

AND:

1. Smt.Mahima @ Archana
Mahabaleshwar Patil,
Aged 26 years,
Occ:Household Work.
2. Sri.Kumar Mahesh,
S/o Mahabaleshwar Patil,
Aged 8 years, Being Minor
Rep. by his mother and
Natural guardian Smt.Mahima

@ Archana Mahabaleshwar
Patil.

Both are R/o Idalhond,
Tq.Khanapur, Dist: Belgaum.

3. Sri.Krishnaji K.Patil,
Aged major, Occ:Business,
R/o Kalameshwar Galli,
Idaland, Tq:Khanapur,
Dist: Belgaum,
Owner of Mini Door Cab
No.KA-22-A-431.

RESPONDENTS

This CRP filed under Section 115 of the Code of Civil Procedure is directed against the order dated 29.11.2005 passed on I.A.No.4 in Misc.Petition No.7/2005 by the Civil Judge (Sr.Dn.) & MACT, Khanapur.

This CRP coming on for orders, this day, the Court made the following:

ORDER

This revision petition U/s 115 of CPC is directed against an order of the Motor Accidents Claims Tribunal. It has come up for orders regarding its maintainability.



2. A Five Judges Bench of this Court in UNION OF INDIA vs. M/S. MYSORE PAPER MILLS LIMITED (ILR 2003 KAR 4155) has held that Motor Accidents Claims Tribunal is not a court subordinate to the High Court falling within the ambit of Section 115 of CPC and that revision petition against its order is not maintainable.

3. Following the aforesaid judgment of this Court, this revision petition is dismissed as not maintainable. However, this order of dismissal will not come in the way of the petitioner availing of any other legal remedy as against the impugned order.

4. Registry to return certified copy of the impugned order, if applied for.

Revision petition dismissed as not maintainable.

Sd/-
Judge

hkh/ck