

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2003

BEFORE

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

C.R.P. NO.2631/2002(MVC)

Between:

PT YAHU  
AGED 49 YEARS,  
S/O.MOHAMMED  
R/O.P.T.HOUSE, CHEKKOD,  
P.O.ANAKKARA, PALAKKAD  
DISTRICT, KERALA.

... PETITIONER

(By Sri.B.N.Anantha Narayana, Adv.)

And:

1 MOHAMMED IQBAL V  
S/O ALIKOYA  
AGED 28 YEARS  
ALIYAR MANZIL,  
P.O.MARIKUNNU,  
KOZHIKODE -12  
KERALA STATE

2 N P PARAMESHWARAN  
AGED 35 YEARS  
S/O.KANKARAJ,  
NAVARIKKUNNU  
PARAMBA HOUSE,  
P.O.THIRUVEKAPURA  
PALAKKAD DISTRICT  
KERALA STATE.

3 M/S THE ORIENTAL INSURANCE  
CO LTD., BRANCH OFFICE,  
REP. BY ITS BRANCH MANAGER  
C.K.H.BUILDINGS,  
THAZHEPALAM,  
TIRUR 676 101.  
KERALA.

... RESPONDENTS

(By Sri.S.Shrishaila, Adv. for R3, R1 & R2 served)

.....

THIS CRP FILED U/S.115 CPC AGAINST THE JUDGMENT AND AWARD DT.4.12.01 PASSED IN MVC NO.624/94 ON THE FILE OF THE PRL. DISTRICT JUDGE AND MACT, MYSORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION.

THIS C.R.P. COMING ON FOR HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

### ORDER

This revision petition filed under Section 115 of CPC is directed against the Judgment and award dated 04.12.2001 passed in MVC No.624/1994 by the Motor Accidents Claims Tribunal, Mysore

2. A Five Judges Bench of this Court in **UNION OF INDIA V/S. M/S. MYSORE PAPER MILLS LIMITED (M.F.A. NO.1296/1997 and connected matters disposed of on 29.08.2003)** has held that Motor Accidents Claims Tribunal is not a Court sub-ordinate to the High Court falling within the ambit of Section 115 CPC and that revision petition against its Judgment 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 remedy as against the impugned Judgment and Award.

Petition dismissed.

Sd/   
Judge

SPB

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