


Sr. No.	Date	Orders
		<p>* IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>+ FAO 692/2002 &amp; CMs 1386-1388/2003, 219/2003 &amp; 801/2003</p> <p>ORIENTAL INSURANCE CO.LTD. .... Appellant Through Mr.Ram N.Sharma, Advocate</p> <p>versus</p> <p>VINITA NARULA &amp; ORS. .... Respondents Through Mr.D.R.Mahajan and Mr.Vikas Jha, Advocate</p> <p>CORAM: HONBLE MR. JUSTICE R.S. SODHI</p> <p style="text-align: center;"><u>ORDER</u> 28.08.2003</p> <p>%</p> <p>This appeal is directed against the judgment and order of the Motor Accident Claims Tribunal in Suit No. 1358/2000, whereby the learned Court has passed an award for sum of Rs.25,70,000/-, including 50,000/- by way of an interim award together with interest @ 5% from the date of filing of the petition till the date of payment.</p> <p>Learned counsel for the appellant has challenged this award on the ground, inter alia, that the same has been obtained</p>

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By AMULYA

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		<p>-2-</p> <p><u>FAO 692/2002</u></p> <p>by fraud. Learned counsel for the respondents submits that the Supreme Court in <u>NATIONAL INSURANCE CO. LTD. VS. NICOLLETTA ROHTAGI &amp; ORS.</u> [ III (2002) ACC 292 (SC)] has held that the right of the insurance company to challenge an order in appeal is confined to the grounds provided in Section 149 (2) of the Motor Vehicles Act, 1988.</p> <p>On perusal of the grounds of appeal, I find that none of the grounds are those covered by Section 149 (2) of the Motor Vehicles Act, 1988. If there was any fraud, the same had to be proved before the Trial Court and not all of a sudden raised before the Appellate Court. In any event, since I am bound by the aforesaid judgment of the Supreme Court, I had no option but to dismiss FAO 692/2002. CMs 1386-1388/2003, 219/2003 and 801/2003 are accordingly disposed of. Amount, if any, deposited shall be released to the respondents.</p> <p> R.S. SODHI, J</p> <p>AUGUST 28, 2003 <i>Fresh CM 12882/11 up to 151 CMC for release of amount deposited by Appellant by Resp.</i></p> <p>dr</p>

*Fresh CM 12882/11 up to 151 for exemption from C.A. 151 CMC by Resp.*  
(As per file report No Amount deposited)