



The Evolution Of Motor Accident Claim Tribunal: A Study On Its Role In Justice Administration In India

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ABSTRACT

Vehicle have become an essential part of our lives in the fast-paced world men live in today, significantly changing the way we work, live, and communicate. Cars provide incredible comfort, flexibility, and mobility for anything from everyday commutes to cross-country travel. It is impossible to overestimate the significance of cars in contemporary life as the need for personal mobility increases. The ability to travel and mobility from one place to another at one's own speed has been made possible by automobiles, which have completely changed the idea of mobility in compare to early society. Though its importance cannot be ignored, every year a large number of people lost their lives while using vehicle and its impact on environment is quite high. For the adjudication of vehicle accident victim, Motor Accident Claim Tribunal is created by the Motor Vehicle (Amendment) Act – 1956. This amendment permits the third-party insurance claim for compensation in the tribunal. A new section 110(A) to 110(F) was added to constitute the tribunal to trial a case relating to vehicle insurance claim. This amendment marks a significant role in justice administration for the poor and desperate vehicle victim in India. Till today, motor accident claim tribunal proved itself to be an important means of justice mechanism for the people.

Keywords: Motor Accident Claim Tribunal, vehicle, compensation, victim.

Introduction

In the modern world, automobiles play an important role by providing easy movement for people from one place to another and prove to be helpful for saving precious time and energy. It is utilized by everyone; it can be said that in today's world man cannot live without it, as it enhances mobility and social connectivity. It saves time and energy of human being; and its crucial role in everyday lives cannot be ignored. Though its importance and familiarity are accepted by all, its effect on the human life and environment is huge and become the current issues in the country. To combat the degradation of environment and to promote the safety of vehicle users the Government had created a number of laws to regulate automobiles in India starting from the British era. The most important law that regulate the automobiles in India is the Motor Vehicle Act which was introduced during the colonial period with the name Fatal Accidents Act, 1855.

Literature Review

A book by Dr. R.G. Cheturvedi, "*Law of motor accident claim and compensation*" Second edition is a comprehensive book containing judgments on motor accident claims along with precise and detail Head Notes of each judgment. In addition to the Head Notes, it also contains specific heading of each judgment so as to provide easy access to the cases by the reader. The appendices contain provisions under the Motor Vehicles Act 1988. A book by Kannan and Vijayaraghavan, "*Motor Vehicles Laws*" is a LexisNexis Publication 16th edition of September, 2019. This book is a comprehensive study on all aspects relating to Motor Vehicle Laws. It is an

up-to-date book with all the major judicial and legislative developments that have taken place in this field of law. The author includes all the important judicial pronouncements as far as possible. In this book, the author adopts a lucid and analytical approach.

A book written by Justice K Kannan on "*Commentary on the Motor Vehicles Act*" who was a former judge of the Punjab and Haryana High Court, after his superannuation from Judicial Service in June 2016, he served as Chairman of the Railway Claims Tribunal (RCT) at the Principal Bench at New Delhi, India the post which he held till June 2019. It is a publication by Oak Bridge Publishing; First edition (1 February 2021). The book on *Commentary on the Motor Vehicles Act* provides a section-wise analysis on the Motor Vehicles Act, 1988 incorporating the impact of the Amendment Act of 2019, by expressing his critical view. The book gives an analysis and evaluates the working of the Act and its implementation by the various stakeholders including adjudicating authorities, insurance companies, and enforcement agencies. In this book the author aims to explain the provisions of the Act in a simple manner by giving legislative history, judicial pronouncements, and the author's interpretation. While presenting the definition of law and judgments of the Supreme Court and High Court, the author expresses his own view and opinion on some of these decisions that are different from the interpretation adopted by the court. The book explains the new concept of 'aggregator', which is a digital intermediary for a passenger to connect with a driver for the purpose of transportation and the Central Aggregator Guidelines. In this book the author also discusses the ills that continue to invade the system such as fake licenses, poor performance of insurance companies in claim settlements disputes, and fake claims and also recommends use of technology and other methods to address these concerns. The book is proved to be very useful to policy makers, judges, lawyers, enforcement agencies, academicians, and law students. At the same time, the insurance industry will also find the book to be of interest to them especially in promoting the cause of settlements. A book by Dr. G.S. Karkara, "*Assessment of Compensation in Accidents under Motor Vehicles Act, 1988*" 2nd Reprint Edition was published in 2018 consisting of 756 pages. This book is published by the Delhi Law House, Delhi that includes the recent cases and reliable data that would be useful for the law students and researcher. It deals with every aspect of law that are important for a student. The author uses a simple and uncomplicated language that makes it more fruitful for the readers.

Research Objectives

To study the evolution of Motor Accident Claim Tribunal in India

To understand the role of Motor Accident Claim Tribunal in the Administration of Justice.

To analyzed the process of adjudication in the MACT

Research Method

This research paper is based mainly on doctrinal research and data is collected using primary sources like Supreme Court Annual Report and Report of MoRTH on accident. The author also collected data from internet, website etc. Descriptive Analysis method is applied for analysis of the collected data to understand the past and present situation of accident occurrence and the role of High Court in accident claim compensation. In this research, the author mainly focuses of Motor Vehicle Act-1988 and supreme court cases.

Incident of Motor Accident in India

Vehicle accident is a common incident that occurs every day and many people lost their lives due to vehicle on account of many reasons. Government of India took a number of steps to decrease the road accident by passing many laws and order. The most recent law that the country witness is the Motor Vehicle (Amendment) Act-2019 which is the need of the hour to combat disaster caused by vehicle. The table No. 1 below indicate that a huge number of lives is lost due to vehicle every year, which make it clear that law need to be implemented in a strict manner in every state of India for regulation of vehicle in more proper manner, including the construction and maintenance of road, traffic system etc. Every year a number of cases in different MACT is being registered for adjudication of accident compensation claim. The below table is the evident that motor accident claim case is dealt in the tribunal to ensure justice for the victim party.

Table 1. Total number of Accidents, Fatalities and Persons Injured during 2018 to 2022.¹

Year	No of accident	Fatalities	injured
2018	4,70,403	1,57,593	4,64,715
2019	4,56,959	1,58,984	4,49,360
2020	3,72,181	1,38,383	3,46,747
2021	4,12,432	1,53,972	3,84,448
2022	4,61,312	1,68,491	4,43,366

¹ROAD ACCIDENTS IN INDIA 2022, Ministry of Road, transport and Highway, https://morth.nic.in/sites/default/files/RA_2022_30_Oct.pdf

Development of Motor Accident Claim Tribunal in India.

As mention before, the Fatal Accident Claim Act -1855 was the first workable law that govern the vehicle in India, before the Fatal Accident Act, there was no provision under the Indian law to entertain a claim with regards to vehicle accident. Though the need to have a tribunal for vehicle accident was felt, initially the act does not provide for the same, the case was adjudicated as a civil case in the civil courts. The Act developed a process to enable right of designated legal heirs to seek relief from the negligence act of the driver. The law worked for a considerable period of time but due to the changing demand it was amended in 1939 which earlier replaced the act of 1914. In the year 1956 the act was again amended by adding sections 93 to 109 relating to third-party insurance and sections 110(A) to 110(F) relating to the establishment of the Motor Accident Appeals Tribunal and the procedures for adjudication of claimants have been catered. In 1982, the extension of Section 92(A) and 92(E) created a new principle of granting temporary relief on the grounds of "No Fault". Many people agree that death from hit and run collisions have since been provided coverage under the same provision, where the offending vehicles are not classified.²³ The Motor Vehicle Act, 1939 was amended in 1988 called; The Motor Vehicle Act-1988. The new act is a beneficial piece of legislation as per the "Rule of Law", the provision shall be interpreted in favor of the victim party⁴ and the burden of proof is liberal.⁵ The Motor Accident Claim Tribunal was created by the Motor Vehicles Act, 1988, it come into force on 1st July, 1989 and replace the MV (Amendment) Act 1956. It has been constituted to provide speedier remedy to the victims of accident by motor vehicles. The tribunal takes away the jurisdiction of Civil Courts in the matters which concerns the Motor Accidents Claims Tribunal. In 1994, this Act was further modified that added section 163A dealing with the special provision as to the payment of compensation on the structural formula to ensure social security. The legislation is still in a time of extreme transition. The Supreme Court in *National Insurance Company Vs Swaran Singh*⁶ have observed that The Motor Vehicle Act is a welfare legislation to extend relief by way of compensation to the victim caused by vehicle accident and its provisions have to be interpreted so as to effectuate the object.

As mentioned above, Motor Accidents Claims Tribunal has been created by the Motor Vehicles Act, 1988. The main objective is to provide speedier remedy and speedy justice by a summary trial to the victims of accident by motor vehicles. Before the 1988 Act, counting from the era of colonization, a number of laws have been enacted to regulate the vehicle like registration, licensing, safety etc. The Fatal Accidents Act, 1885 was the first law that regulates the vehicle in India followed by the Motor Vehicle Act of 1914. The Act was approved for the purpose of regulating enforcement and to ensure the registration and licensing of vehicles and motorists to maintain road safety. This act was replaced by 1939 Act, to consolidate and amend the law relating to motor vehicles according to the development in road transport technology, pattern of passenger and freight movements and particularly the improved techniques in the motor vehicles management, this act was later substituted by Motor Vehicle Act, 1988. The Motor Vehicle 1988 Act was a remarkable law that introduces a new court named Motor Accidents Claims Tribunals which replaced civil courts in order to provide cheaper and speedier relief to the victims of accident of motor vehicles. An Appeal of cases from the Claims Tribunal lies with High Courts. The appeal is limited by time and has to be filed in the High Court within 90 days from the date of award of Claims Tribunal. "The High Court may entertain the appeal after the expiry of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time⁷. As per Section 166 of the Motor Vehicles Act-1988 compensation can be claimed by the person who has sustained injury, by the owner of the damaged property, by all or any legal representative of the deceased who died in the accident; by duly authorized agent of the injured person or all or any of the legal representatives of the deceased who died in the accident. The claim Petition can be filed at the Claims Tribunal having jurisdiction over the area in which the accident occurred or, to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides, or carries on business or, within the local limits of whose jurisdiction the defendant resides. The 1988 was amended and replace by the Motor Vehicle (Amendment) Act 2020 by making same changes in order to meet the demand of the present situation and with a stringent punishment for the violation of traffic rules and regulation.

The importance of motor accident tribunal and the role of high court can be understood from the given table-2. It is clear that every year a number of vehicle accident occur as shown in table 1, and the case for claims relating to vehicle accident are separately deal in the special tribunal for vehicle accident claim. If MACT is not created, many case of vehicle will be dealt in a civil court like the civil matters that will take a long duration not like the summary trial in MACT. If the parties are not satisfying by the judgement of MACT in the State, they further move to the concern High Court having jurisdiction of the same. The ratio of case pending in the High

² https://morth.nic.in/sites/default/files/RA_2022_30_Oct.pdf

³Kunal Mehta, 'An analysis of law relating to Accident Claims in India' <http://www.legalserviceindia.com/articles/km.htm>>

⁴ Honorable Justice Indira Shah, " Motor accident claim and assessment of compensation", (2020), Dwivedi Law Agency, Allahabad.

⁵ Muzamin Vs Ranjit Singh, 2007(4) TAC978: III (2007) ACC758(Del)

⁶ 2004ACJ 1: 2004 (1) TAC 321

⁷ Section 173 of the Motor Vehicle Act-1988

Court is not high in compare to the number of accidents, fatalities and injuries that occur in the same year i.e between 2018 to 2022. Thus, it can be seen that, many claims in MACT are adjudicated and concluded for the end of justice.

Table 2: No of MACT case in the High Court.⁸

NAME OF HIGH COURT	Pending 01/07/18	Pending 01/07/19	Pending 01/07/20	Pending (01/07/21)	Pending (30/06/22)
Allahabad	61,809	62,275	61,149	59,552	57,768
Andhra Pradesh	14,546	15,023	15,418	15,899	16,215
Bombay	13,387	13,310	13,489	13,719	14,504
Calcutta	NA	NA	37	271	411
Chhattisgarh	6,212	6,769	8,121	7,868	8,511
Delhi	3,658	4,186	3,795	3,960	3,988
Gauhati	2,099+20+23 +17 ⁹	2,486	2,793	2,919	3,152
Gujarat	11,147	12,966	14,566	15,543	15,730
Himachal Pradesh	2250	2,421	2,735	2,870	2,889
Jammu & Kashmir and Ladakh	2,312	2,082	1,715	1,843	1,423
Jharkhand	NA	3,782	3,966	3,885	3,297
Karnataka	52,758	58,740	59,653	53,728	49,150
Kerala	20,515	22,739	23,847	27,649	29,355
Madhya Pradesh	34,747	38,134	40,421	41,015	42,300
Madras	10,943	9,904	8,537	6,836	7,023
Manipur	09	03	06	06	18
Meghalaya	03	04	02	04	07
Orissa	6,024	6,177	6,515	6,679	6,299
Patna	NA	NA	NA	0	0
Punjab & Haryana	45,622	45,594	45,111	44,493	50,660
Rajasthan	39,958	43,899	47,922	49,692	49,218
Sikkim	14	09	08	16	07
Telangana	19,181	20,863	20,901	21,229	19,589
Tripura	179	98	64	39	63
Uttarakhand	3,011	2,899	2,844	2,851	2,797

The Appeals from Claims Tribunal lies with High Courts under section 173 of the Motor Vehicle Act and the procedure to be followed in the case of appeal is mention under Chapter 10 of the Rules. The appeal is limited by time and has to be filed in the High Court within 90 days from the date of award by the Claims Tribunal as mentioned. The High Court may entertain the appeal after the expiry of the period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.¹⁰ However, there is no time limit for filing motor vehicle accidents claim. But an unusual delay will demand an explanation by the tribunal. It was held in *Mr. Gurcharan Singh Vs Yashwant Singh AIR 1992 SC 180* that, the scheme published under the old act was not affected by the repeal of the old act, notwithstanding the fact that the said application was under the old act.

The Motor Vehicle Act 1988 fulfills many suggestions of the Supreme Court in the case of *M.K. Kunhi Mohammad v. P.A. Ahmedkutty*¹¹. It has all the provisions ranging from who is driver, what will be the age of obtaining the license to what is motor vehicle. This act also talks about hit and run cases where the identity of the offender is not known and create a scheme in a more appropriate manner. It also provides sufficient remedy to the victims of the motor accidents. According to Section 165 of the Act, the power to establish these tribunals is with the state government who by the notification in the official gazette can constitute one or more tribunals in any area as they may think right. Only those claims for compensation can be brought to these tribunals which involve accidents that caused any bodily injury or death of the victim or resulted in any property damage of the third party. Section 175 puts a bar on the civil Courts and no other civil Courts can take up cases relating to motor accidents in the area where claim tribunals have been established.

In our present day, the importance of vehicle is not deniable. The role of transportation be it public or private, has become essential for our social interactions and commercial transactions and with the advancement of technology we have to deal with untoward incidents of road accidents. Thus, for the indemnity of the owner in case of unforeseen accident, the act makes it compulsory to have a insurance against the vehicle, thus, section-146 of the act make it obligatory to have insurance of a motor vehicle against third party risk. In *National Ins.*

⁸ Supreme court annual report @

https://main.sci.gov.in/Annualreport/annual_report/28062021_113716.pdf.

⁹ Guwahati High Court Principal Bench, Kohima Bench, Aizawl Bench, Itanagar Bench

¹⁰ Section 173 of Motor vehicle Act, 1988

¹¹ (1987) 4 SCC 284

*Co. Ltd. Vs R. K Pasawan*¹² it was held that the onus of proving whether a motor vehicle is insured with a particular company is on the owner of the motor vehicle. In the case of *Skandia Insurance Co. Ltd. v. Kokilaben Chandra Vadan*¹³ the driver had no driving license when he met an accident with the motor vehicle he was driving. The right of compensation of victim is not affected by the fact that motor vehicle was driven by a man who was not having driving license to do so. Even though the insurance mentions something contrary to the rule. In the case of *Iyyapan vs M/s United India Insurance Co. Ltd. and another*¹⁴ it was further held that 'If the vehicle is not insured any legal liability arising on account of third-party risk will have to be borne by the owner of the vehicle'. In the case of *Rajasthan Road Transport Corpn. vs Kailash Nath Kothari*¹⁵, Kailash Nath Kothari was the registered owner of the bus which met an accident. At the time of accident, the vehicle was driven by a driver who was employed by the registered owner of the vehicle. At the same time the registered owner was not in possession of the bus. He had rented it to the Corporation. Court held in this case that the Corporation was liable to pay compensation and not the registered owner. This was in accordance with Section 2(30) of the Motor Vehicles Act, 1988 which defines 'owner' for the interpretation of the Act. "Owner" is-

- a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and
- in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement

Option to claim compensation

There is certain situation when the victim can make a claim under two Acts, the claimant has to select under which law they wanted to make claim for compensation. Section 167 of Motor Vehicles Act, 1988 provides a provision for solving this situation by barring double claim petition. The Workmen Compensation Act, 1923 now known as the Employees Compensation (Amendment) Act 2020 provides compensation to the workers who have suffered any injury during the course of the working hours, at the same time the occurrence of death or injury of the worker could be the result of vehicle accident where compensation can be claim under the Motor Vehicle Act-1988. In this situation, the claimant has only one remedy as it has been clearly mentioned that in these types of situations, a person can claim compensation under anyone of the two acts according to his choice but not under both acts. In the case of *Kalpna v. Om Prakash*¹⁶ the Supreme Court held that the claimant is free to choose under which act he wants to file for compensation. But once the application is filed under one act and award is passed, claimant cannot avail the remedy under the second act.

Procedures and Powers of Claim Tribunals

Section 169 expressly empowers the claims tribunals to formulate its own procedure. Since the claims tribunals has all the powers equal to high court, it may choose to follow the procedure laid down in the CPC in holding an enquiry under the section 168 of the act and the claims tribunal is empowered to follow such summary procedure as it thinks fit. The intention is that the enquiry should not take the shape of elaborate and long-drawn proceedings as a regular civil suit but should be concluded as much speedily as possible. The nature of enquiry should be more or less like a judicial enquiry. There can be no gain saying that vast power exists in the claims tribunal to determine its own procedure in dealing with the claim applications. The claims tribunal has all the trappings of a court and the proceedings before it closely resembles the proceedings in a civil court. In the case of *Krishna Reddy v. Ramalamma*¹⁷ the court mention that the whole intention of the legislature is to ensure a speedy disposal of the claim applications filed by the injured persons or the legal representatives of the deceased. And in case of absence of any restraining provisions the claims tribunal has the liberty to follow any procedure that it may choose to evolve for itself as long as it is consistent with the rules of natural justice and does not contravene the provisions of law. The Tribunal has the following power while deciding a case as given in section 169 of the Motor Vehicle Act-1988

- (1) In holding any inquiry under section 168, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.
- (2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).
- (3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of and matter relevant to the inquiry to assist it in holding the inquiry. Section 169 simply vests tribunal with

¹² AIR 1997 Pat. 236

¹³ AIR 1987 SC 1184

¹⁴ (2013) 7 SCC 62

¹⁵ (AIR 1997 SC 3444)

¹⁶ SCC 1989 A P 293

¹⁷ 995 ACJ 1097, AIR 1995 AP 68, 1994 (3) ALT 169

powers of civil court for particular purpose of taking evidence on oath and of enforcing attendance of witness. In the case of *Oriental Insurance co. Ltd. Vs Subrata Mitra*¹⁸ it was held that it does not exclude either expressly or by necessary implications, application of other provisions of code. It also does not restrict inherent powers to secure ends of justice.

In the case of *Kailash Chandra Sharma vs E. Gurunath And Ors*¹⁹ on 17 January, 2007 the judges has given an important opinion with regards to the power of MACT, and mention that "After perusal of the provisions of Section 169 of the Motor Vehicles Act, 1988 I find that the Court has, undoubtedly, wide powers while deciding the procedure for deciding claim cases and as per Sub-section (2) of Section 169, the Tribunal shall be deemed to be a civil Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. From reading of this section, it appears that for recording evidence, the Tribunal has wide powers, but such powers are to be exercised by the Tribunal for doing justice to the party."

Conclusion

India has become more advance in the form of technology, at the same time road safety measure and accident reduction project has been carried out at the ministry level. It is evident that steps are taken by the Government, by implementing the Motor Vehicle Act-2020 the views of the policy maker can be understood who aim at safety of road, vehicle as well as the user. In the modern world, while vehicle has been equipped with reliable technology recommendation of the supreme court must be adhere to in a systematic manner. The Supreme Court has suggestion in the case of *Jai Prakash v. National Insurance Company* that, "to ensure all accident victims get compensation, it is necessary to formulate a more comprehensive scheme for payment of compensation to victims of road accidents, in place of the present system of third-party insurance", if more compact scheme is implemented in India, it would create more security to the user of vehicle. For example, in South Africa and some other African countries, Road Accident Funds have been created, managed by Road Accident Fund Commissions, thereby eliminating the need for third party insurance. A fuel levy/surcharge is collected on the sale of petrol and diesel and credited to such fund.

India is in the status of being among the nations with the greatest number of traffic accidents with the longest response times for receiving medical attention and first aid when vehicle accident occurs. Effort on Road safety regulations must be set in place, strictly enforced, and a significant number of trauma canters and first aid stations must be established across the highway like the highway ambulance duty in accident prone area. So, in order to develop Road Safety Standards and norms, the nation must implement Road Safety measures in strict sense, manage Trauma centres, set up First Aid centres in Petrol Stations and in high way for emergency use. Conducting more research and collecting more data relating to road accident by maintaining proper record would be useful for further legislation development. Lastly, the government should take into consideration the case of *Rajesh Tyagi v. Jaibir Singh*, vide judgment dated November 5, 2009 where Delhi Motor Accidents Claims Tribunal Rules 2008 should be incorporated in the central rules to develop India in terms of Motor vehicle laws.

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¹⁸ I (2006) ACC 106, 2006 ACJ 839, III (2006) BC 73, (2005) 3 CALLT 271 HC

¹⁹ AIR 2007 MP 161