

Party Name : NEW INDIA ASSU. CO.LTD Vs RATAN DAS & ANR

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This review petition has been filed by the insurance company.

Briefly stated, the facts of the case are that the learned Motor Accident Claims Tribunal had awarded compensation of Rs.10,000/- in favour of the claimant but had held that it is only the owner of the vehicle who is liable to pay the compensation and the insurance company was exonerated and not held liable to pay the compensation.

In appeal this Court enhanced the compensation from Rs.10,000/- to Rs.1,50,000/-. There was no discussion as to who is to pay the amount. However, assuming that the liability had been fixed on the insurance company this Court ordered the insurance company to deposit the enhanced amount.

It is urged by Mr. S Debnath appearing vice Mr. P Gautam, learned counsel for the petitioner-insurance company that there is an error apparent on the face of the record because there is no discussion as to how the insurance company has been held liable.

I am in agreement with him and therefore, the order in appeal is recalled to the limited extent of fixing the liability between the insurance company and the owner. Only with regard to this limited aspect the appeal(MAC APP.No.65 of 2014) shall be reheard and be listed for hearing on **30th April, 2015**.

Review petition is disposed of.