

CR-1677-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-1677-2015 (O&M).
Decided on: March 10, 2015.**

New India Assurnce Company Limited

..... Petitioner(s)

Versus

Bant Singh and others

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.R.C.Kapoor, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

The Insurance Company has questioned the legality and propriety of award of Rs.7,000/- passed against the Insurance Company owner and the driver to be paid to injured claimant Bant Singh respondent No.1.

Counsel for the petitioner has vehemently contended that it is a case where the vehicle driven by one Balwant Singh struck from behind against a truck parked by Pankaj Kumar.

It has been further urged vehemently that in said circumstances, the Motor Accident Claims Tribunal, Chandigarh, ought to have held that it was a case of composite negligence of driver of both the vehicles and the compensation should have been apportioned to the extent of percentage of negligence to be determined by the Motor Accident Claims Tribunal. It has been urged that on account of said exercise having not been done by the Motor

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Accident Claims Tribunal, award dated 25.8.2014, warrants interference and the award of Rs.7,000/- in favour of Bant Singh has to be set aside.

I have considered the contentions of the counsel for the petitioner. Taking into consideration the fact that only a sum of Rs.7,000/- has been awarded to the injured claimant, it will not be justified to interfere in the said amount by decreasing the same after holding that driver of both the vehicles were responsible for the accident.

This petition is dismissed in view of limited scope of revision and also on account of small amount of compensation having been awarded to the claimant without prejudice to the rights of the Insurance company-petitioner in any other appeal or revision arising out of the same award.

March 10, 2015.
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(M.M.S. BEDI)
JUDGE