

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

F.A.O. No.1089 of 1995

Date of Decision: May 01, 2015

Oriental Insurance Company Ltd.

...Appellant

Versus

Seema Arora & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Vinod Chaudhari, Advocate,
for the appellant.

Mr.Satbir Singh Katnoria, Advocate,
for respondent No.6.

1. Whether Reporters of Local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

The present appeal has been filed by the Oriental Insurance Company challenging the award dated 04.01.1995 passed by learned Motor Accidents Claims Tribunal, Chandigarh.

Learned counsel for the appellant fairly submits that vide order dated 10.02.2014 the present appeal was dismissed qua respondent Nos.1 to 4 (claimants) and notices were ordered to be served upon respondent Nos.5 to 7 i.e the driver and the owners of the offending vehicle. Respondent No.6 was served and his counsel is appearing in the present case. However,

respondent Nos.5 and 7 could not be served for want of their correct addresses. He further pointed out that vide order dated 29.04.2014, this Court had directed the appellant to furnish the correct addresses of respondent Nos.5 and 7 within a period of two weeks, failing which the appeal against the aforesaid respondents would stand dismissed. He also pointed out that the appellant could not furnish the correct addresses of respondent Nos.5 and 7 within the stipulated period and as such, the present appeal was dismissed qua them (respondent Nos.5 and 7) vide order dated 10.10.2014. It has also been pointed out that the present appeal would also be not maintainable so far as respondent No.6 is concerned since he was not the registered owner of the offending vehicle.

Learned counsel for respondent No.6 has also endorsed the submissions made by learned counsel for the appellant to the extent that the liability for paying the award cannot be fastened on respondent No.6 since he was not registered owner of the offending vehicle.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

As per respondent Nos.1 to 4 (claimants), on 09.12.1991 at about 8:15 p.m. Ram Parkash Arora was proceeding to his house at Panchkula from Industrial Area,

Chandigarh, on his scooter bearing Registration No.PB-02-A-0618 and reached near the cremation ground of village Daria, in the mean time offending truck being driven by Jasbir Singh (respondent No.5 herein) rashly or negligently, at a very high speed and without blowing horn arrived at the spot and struck against the scooter being driven by Ram Parkash Arora. As a result thereof, Ram Parkash Arora fell down on the road and sustained multiple injuries and ultimately died on account of the injury sustained. It was further pleaded by the claimants that Ram Parkash Arora was earning Rs.9,000/- per month and they were wholly dependent upon his earnings.

On the basis of the pleadings, the issues were framed; placing reliance on the evidence led, learned Tribunal concluded that at the time of his death Ram Parkash Arora was aged about 43 years and he was contributing Rs.16,800/- per annum to the claimants. The multiplier of 16 was applied and Rs.2,68,000/- along with interest at the rate of 12% per annum from the date of filing of the petition till realization was awarded in favour of the claimants. Perusal of the material would reveal that the accident had occurred due to rash or negligent driving on the part of Jasbir Singh (respondent No.5 in the appeal). The offending vehicle was owned by M/s Daya Pal & Company (respondent No.7 herein this appeal).

Since the appellant has failed to furnish the addresses

of respondent Nos.5 and 7 i.e driver and registered owner of the offending vehicle, the appeal was ordered to be dismissed qua them vide order dated 10.10.2014.

Even otherwise perusal of the material available on record would substantiate the fact that the accident had occurred on account of the rash or negligent driving of the offending truck by respondent No.5 in which Ram Parkash Arora had sustained injuries and later died. The appellant was the insurer of the offending vehicle. The amount and the interest awarded by learned Tribunal appears to be most appropriate and no interference is called for.

Dismissed.

May 01, 2015
seema

(Naresh Kumar Sanghi)
Judge