

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No.3849 of 2011 (O&M)

Date of Decision: 19.01.2015

ICICI Lombard General Insu. Co. Ltd.

....Appellant

v.

Inderpal Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. R.M. Suri, Advocate for the appellant.

Mr. A.S. Ahluwalia, Advocate for respondents No.1 to 3.

Mr. Bhag Singh, Advocate for respondents No.4 and 5.

Navita Singh, J.

This appeal is preferred against the award dated 25.2.2010 passed by the Motor Accident Claims Tribunal, Ambala (Tribunal for short). The Tribunal had assessed a compensation of Rs.16,78,536/- out of which 50% was ordered to be paid by the appellant- Insurance Company. An actual compensation of Rs.8,49,268/- was to be paid to the claimants.

Counsel for the appellant tried to show that the accident had not taken place in the manner alleged by the claimants. He said that the left side of the car being driven by the husband of the deceased had hit the left side of the tractor, i.e. the offending vehicle and, therefore, the accident occurred on account of the sole negligence of the car driver. It is unimaginable as to how in an accident, the left side of one vehicle can hit the left side of the other, in the given facts and circumstances. It is not the case that it was a head on collision. In that event also, the impact would be between the front side of both the vehicles. It was not mentioned in the grounds of appeal that the manner in which the accident was stated to have occurred was not what

had actually happened.

Counsel for the appellant then contended that so far as the pensionary benefits to the husband of the deceased were concerned and payment of half the amount of total compensation was there, nothing to the contrary could be said. It is not understandable as to why in para 5 of the grounds of appeal, the points regarding entitlement of the claimants to the extent of 50% of the total assessed compensation was taken. A reading of the grounds of appeal rather shows that the appellant had no valid ground to file the appeal and the award was not at all successfully challenged. How the compensation was excessive remains unexplained.

The appeal is dismissed.

**(NAVITA SINGH)
JUDGE**

**January 19, 2015
renu**

Whether to be referred to the Reporter? Yes/No.