IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2456 of 1999(O&M)
Date of decision : 26.5.2016

National Insurance Company Ltd. ..... Appellant

versus

Parkash Kaur and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr.R.C.Gupta, Advocate for respondent No.4.

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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?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the National Insurance Company Ltd. against the award dated 08.04.1999 passed in respect of the death of Manjeet Singh. The appellant has no dispute with the claimants but the dispute is only with the insurance company of the other vehicle involved i.e. respondent No.4-United India Insurance Co. Ltd. In the circumstances detailed reference to the facts would not be required. Suffice it to say that there was a head-on collision between two trucks, one being driven by Manjeet Singh and the other being driven by Bhana Ram. The Tribunal held that both the drivers were guilty of negligence and consequently held it to be a case of contributory negligence to the extent of 50%. As regards the compensation for the death of Manjeet Singh the Tribunal reduced the quantum by 50% and came to the conclusion that a sum of Rs. 90,500/- was

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payable.

Learned counsel for the appellants has argued that this amount had to be paid only by the respondent No.4 and in fact that is what was specifically held by the Tribunal in para 22 of the award. As per him this was the payment due to the LRs of Manjeet Singh for the negligence of Bhana Ram whose truck was insured by respondent No.4. However, in the final part of the judgment the Tribunal held the respondents equally liable to make the payment.Learned counsel for respondent No.4 is not in a position to refute this argument.

In the circumstances the appeal is allowed and the claim is modified to the extent that the amount of compensation payable for the death of Manjeet Singh would have to be paid by respondent No.4.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 26, 2016
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