

528.

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

FAO No.3883 of 2006 (O&M)

Date of decision:17.03.2016

National Insurance Company Limited

... Appellant

versus

Gohar Mashih Rai and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Neeraj Khanna, Advocate,
for the appellant.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The appeal is by the Insurance Company. The claim was at the instance of a passenger of a bus which had been involved in a collision with another vehicle that was involved with appellant-insurer. The Tribunal, while finding that both the vehicles were responsible, provided for a right of enforcement of the award against the Insurance Company.
2. The counsel for the Insurance Company states that consistent with its finding that both the vehicles were responsible, it

should have provided at least for a right of contribution from the owner of other vehicle which was admittedly involved to which equal liability for the accident was found. I accede to the contention and provide for right of recovery of 50% of the amount with interest as awarded by the Tribunal against the owner of the other vehicle which was involved in the accident, namely, respondent No.5-Devi Dayal.

3. The appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

17.03.2016
sanjeev