

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.10456 of 2014

Date of Decision.06.04.2016

New India Assurance Co. Ltd.

.....Appellant

Vs.

Manjit Kaur and others

.....Respondents

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

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.11.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The appeal is by the insurer of canter vehicle which dashed against a jeep insured with Oriental Insurance Company from behind setting the jeep in motion that ran over the person killing him. The claim petition was filed on a plea that both the vehicles were responsible for the accident. While the Tribunal considered whether both the vehicles could be taken as responsible, observed that jeep had been stationary and the driver waiting for some passengers to board and if there was a vehicle hitting from behind, it should not have gone in a zig zag manner to run over a person standing left of the road. If only the vehicle had proceeded directly straight and the passenger was standing just opposite the stationary vehicle, he could have been run over. The Tribunal, therefore, observed that the vehicle could not have

been parked somewhere in the middle and the accident had taken place only by the negligent driving of the canter vehicle.

2. There has been a fair amount of consideration of whether a composite negligence of both the drivers could have been possible and the Tribunal has rejected such plea and has anchored the liability only on the canter and in turn to the insurer. There is also a plea that a vegetable vendor has been provided with an income of ₹6250/- and has also applied a prospect of increase by the Tribunal at 50%. This, according to him, is not appropriate. I do not see any reason why a vegetable vendor, who was making a respectable living and whose income was taken by not less than ₹6250/-, would stagnate in his life earning the same income right through the life. There had been surely prospect of increase in future and if the Tribunal has provided such prospect, I will find no cause for interference.

3. The appeal is dismissed.

(K. KANNAN)
JUDGE

April 06, 2016
Pankaj*