

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

FAO No. 4429 of 2013 (O&M)
Date of decision: April 11, 2016

United India Insurance Company Limited

...Appellant

Versus

M/s Kanwar Bros and others

...Respondents

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?**

Present: Mr. DP Gupta, Advocate,
for the appellant.

Mr. Jagjeet Beniwal, Advocate,
for respondent No.1.

K. KANNAN, J. (Oral)

1. The appeal is by the insurance company challenging the quantum of compensation assessed for damage of the property caused for the insured vehicle. The property damaged was installation at the petrol pump and the claimant was making a claim on the basis of an assessment prepared by the Engineer. The Engineer assessed the damage at Rs. 4,54,000/-. The damage to the petrol dispensers was assessed at Rs. 61,400/- and thus the Tribunal awarded total compensation of Rs. 5,15,400/-.

2. The insurance company is in appeal to contend that the claim by a partnership company, which is the owner of the premises, is not competent before the Motor Accident Claims Tribunal. The objection is not

tenable, for, any person who is owner of the premises can successfully maintain a petition and partnership is a legal entity which can maintain an action except to the extent that a bar might operate under Section 69 of the Partnership Act. There is no such plea that the partnership firm is unregistered and that the claim cannot be made.

3. The mode of assessment of the damage to the installations is not very clear but the person who has drawn the report has been examined and nothing has been elicited from him to suggest that the assessment was arbitrary or that the person who drew the report was himself not competent to do so. In the manner of reckoning, the contractor has applied ceiling premium (C.P.) in the range of 350% to 450%. There has been no cross-examination also that these rates did not conform to the standard rates.

4. I find no reason to interfere with the award already passed. The appeal is dismissed.

April 11, 2016
prem

(K.KANNAN)
JUDGE