

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

FAO No. 5023 of 2014 (O&M)
Date of Decision: March 30, 2016

Smt. Saroj Wife and others

...Appellants

Versus

Balwan Singh and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sandeep Kotla, Advocate,
for the appellants.

Mrs. Vandana Malhotra, Advocate,
for the insurance company.

K. KANNAN, J. (Oral)

1. The appellants are aggrieved that in the manner of passing the award, the Tribunal has exonerated the 1st respondent by virtue of the fact that the claimants had given the registration No. of the vehicle as HR-22B/1692 when as per the FIR vehicle bore registration No. HR-20B/1692. There was no denying the fact that the 1st respondent's vehicle was involved and the case had been filed against the 1st respondent also as owner of the vehicle which was involved. It was a case of collision between the two vehicles and while apportioning the liability in the ratio 50:50 made the insurance liable to pay of yet another vehicle namely, HR -39B/8711, but exonerated the 1st respondent.

2. I find the reasoning of the Tribunal to be erroneous. So long as there was no denial that the 1st respondent's vehicle was involved and 50%

liability as assessed ought to have been cast on the 1st respondent, the minor discrepancy in the registration number could not have effected the liability.

3. Learned counsel for the appellants says that the multiplier applied is wrong and it should have been 18 instead of 17. Learned counsel for the insurer points out that the Tribunal has awarded ₹1 lakhs for the loss of consortium which is impermissible and cannot exceed ₹5,000/- as per Schedule II. The amount that could have been obtained by application of an additional unit of multiplier is more than offset by an extra amount of ₹95,000/- which the Tribunal has granted, which is impermissible. I, therefore, make no intervention with regard to the quantum of compensation awarded.

4. The order exonerating the 1st respondent is set aside and the appeal is allowed entitling the claimants to enforce 50% of the claim as awarded against the 1st respondent. The award is modified and the appeal is allowed to the above extent.

March 30, 2016
prem

(K.KANNAN)
JUDGE