

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

FAO No. 8145 of 2014 (O&M)

Date of decision: 28.01.2016

ICICI Lombard General Insurance Company Ltd.

... Appellant

versus

Maya Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate for the appellant.

Mr. Vipul Dharmani, Advocate
for respondent Nos. 1 to 4.

Mr. Ashwani Talwar, Advocate for
Mr. R.C. Chauhan, Advocate for respondent Nos. 5 & 6.

Mr. Ashwani Talwar, Advocate for respondent No.7.

K.Kannan, J. (ORAL)

The appeal by the Insurance Company on an issue of negligence determined by the Motor Accident Claims Tribunal, Ropar for death of a person who was changing the step of truck when the vehicle insured with ICICI Lombard General Insurance Company Limited dashed against him and yet another person who was walking towards the truck. A claim had been made by the representatives of the deceased person before yet another Tribunal, MACT Sonapat. The instant appeal is against a judgment rendered by the Court at Ropar which apportioned the liability between the insurer of both the vehicles namely of the stationary vehicle and the vehicle which was insured with the appellant as 50:50. The appeal filed by the insurer of the stationary vehicle for FAO No. 6616 of 2014, National Insurance Company Limited. Vs. Kanwaljit Kaur and others, decided on 27.08.2014 was dismissed.

For the same reason, the appeal by the insurer of the other vehicle should also be dismissed. The counsel however wants to make an argument that in the other case it was only the stationary vehicle which was found to be 100% liable and the decision of the Tribunal must, therefore, be accepted by this Court. I reject this argument as untenable and dismiss the appeal.

(K.KANNAN)
JUDGE

28.01.2016
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