

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

FAO No. 1648 of 1996

Date of decision : 07.03.2017

United India Insurance Co. Ltd.

....Appellant

V/s

Ram Parshad & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Suvir Dewan, Advocate for the appellant.

Mr. S.K. Tripathi, Advocate for respondent no. 3.

Mr. Atul Yadav, Advocate for respondent no. 4.

RAJAN GUPTA J.

Appellant, Insurance Company has preferred this appeal challenging the impugned award dated 07.02.1996 passed by Motor Accident Claims Tribunal, Gurgaon.

Learned counsel for the appellant-insurance company submits that claimants were entitled to compensation from the owners and drivers of both the vehicles. In view of same, liability to pay compensation could not be of appellant-insurance company alone. According to him, the authority completely went wrong in appreciating the evidence on record. Thus, impugned order deserves to be set-aside.

Learned counsel for the respondent no. 3 has opposed the prayer. According to him, tribunal has correctly arrived at the finding that appellant-insurance company was liable to pay compensation.

I have heard learned counsel for the parties.

It appears that an accident took place on 14.02.1993 in which Ram Dhan died. He was traveling in a matador which collided with the tractor near village Sampka. Tribunal came to the conclusion that accident occurred as a result of rash and negligent driving by driver of the tractor (offending vehicle). In the absence of any proof, income of deceased was assessed as ₹1200/-. A cut of $\frac{1}{3}^{\text{th}}$ was applied on account of expenditure for personal use and dependency was, thus, held to be $\frac{2}{3}^{\text{th}}$ and multiplier of 10 was applied. Accordingly, compensation of ₹96,000/- was worked out. Another sum of ₹2,000/- and ₹2,500/- was granted on account of funeral expenses and loss of estate. Total compensation was, thus, assessed as ₹1,00,500/- and held both appellant-insurance company and driver of the offending vehicle jointly and severally liable. I find no infirmity with the order passed by the tribunal. Besides, compensation may have been disbursed to the claimants long time back as award was delivered in the year 1996. The Magistrate also came to the conclusion in the trial pursuant to the FIR that driver of the Tractor was guilty for causing the accident, having independently examined the evidence. No interference in appellate jurisdiction of this court is, thus warranted. Dismissed.

March 07, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No