

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

FAO No.4687 of 2003

Date of Decision.26.07.2017

National Insurance Company Ltd.

.....Appellant

Vs

Raj Kumar and others

.....Respondents

2. FAO No.4688 of 2003

National Insurance Company Ltd.

.....Appellant

Vs

Ram Sanjivan and others

.....Respondents

3. FAO No.4686 of 2003

National Insurance Company Ltd.

.....Appellant

Vs

Bindi and others

.....Respondents

Present: Mr. Deepak Suri, Advocate
for the appellant.

Mr. Brijender Kaushik, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

This order of mine shall dispose of three appeals filed by the insurance company against the award of the Motor Accident Claims Tribunal on the premise that the officer, who had been appointed for conducting the proceeding for settlement of the matter, did not have the financial power/jurisdiction to enter into compromise, though agreed for ₹5 lacs on account of death of Ram Avadh, ₹3,30,000/- on account of loss of property and ₹10,000/- for injuries suffered by Ram Sanjivan in all the three

matter. The claims were made for property damage by Raj Kumar, Ram Sanjivan for injuries sustained by him and legal representatives of Ram Avadh, who died in the accident. This part of the order has not been disputed by the counsel appearing for the claimants-respondents. Normally the insurance company does not enter into compromise except for financial jurisdiction, if there is breach of the terms and conditions of the insurance policy.

Since the insurance company did not enter into compromise owing to financial constraint, despite determination of compensation, in my view, the compensation arrived at by the authority during the proceedings conducted by the Tribunal under Section 22(C) of the Legal Services Authorities Act, 1987 appears to be fair and justified.

Resultantly, the awards passed by the Tribunal are upheld. The appeals filed by the insurance company are disposed of in view of the aforesaid terms.

(AMIT RAWAL)
JUDGE

July 26, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No