

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

FAO No.2899 of 2012 (O&M)
Date of decision: 19.01.2017

The Oriental Insurance Company Ltd.

-----Appellant(s)

Vs.

Tej Kaur & others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vinod Chaudhri, Advocate
for the appellant.

Mr. Nitin Thatai, Advocate
for respondents no.1 to 4.

HARI PAL VERMA, J. (Oral)

The instant appeal has been preferred by the insurance company challenging the award dated 1.2.2012 passed by Motor Accident Claims Tribunal, Ludhiana, whereby the claimants-respondents no.1 to 3 have been awarded compensation of Rs.3,85,000/- along with interest @ 8% per annum from the date of application till the date of realization and in case of non-deposit of the compensation amount within three months, the claimants were held entitled to interest @ 9% per annum. However, liberty was granted to the insurance company to recover the amount so paid from respondents no.1 to 3 in accordance with law.

Despite numerous opportunities, service upon respondents no.5 and 6 is not complete. Even otherwise, the present appeal has been

filed by the Oriental Insurance Company Limited and vide award dated 1.2.2012 passed by Motor Accident Claims Tribunal, Ludhiana, the appellant has already been given the recovery rights.

Therefore, considering the fact that the respondents no.5 and 6 have not been served and recovery rights are already available to the appellant, the present appeal is dismissed.

January 19, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No