

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

**FAO No. 4974 of 2012 (O&M)
Date of Decision: 06.10.2017**

Reliance General Insurance Company Limited

... Appellant

vs.

Anju Devi and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate
for the appellant.**

**Mr. Abhishek Yadav, Advocate
for respondent Nos.1 and 2.**

ANITA CHAUDHRY, J.

The insurance company-appellant has filed the instant appeal questioning the legality and propriety of the award dated 20.02.2012 to a limited extent vide which compensation of Rs.7,00,600/- had been awarded along with 6% interest to the claimants on account of death of Yashpal.

The owner, driver and insurance company were held jointly and severally liable to satisfy the award. It was held that the offending vehicle was driven without a route permit. The insurance company was directed to satisfy the award in the first instance and liberty was given to recover it from the owner and driver.

The insurance company has come up with the plea that once it was held that the offending vehicle was driven in violation of the terms and conditions of the policy, learned Tribunal has gone

wrong in burdening it with the liability to satisfy the award first and the amount awarded was on higher side.

The factual aspect of the matter is not in dispute. The Tribunal had returned the finding that the offending vehicle was a transport goods vehicle and it was driven without route permit, in violation of the terms of the policy. It is not in dispute that the offending vehicle was insured with the appellant insurance company.

Once it is not disputed that the vehicle was insured with the appellant, it was obligatory on its part to satisfy the award in the first instance and then recover it from the owner and driver as laid down by the Apex Court on numerous occasions and the case is **National Insurance Co. Ltd. Vs. Swaran Singh 2004(1) PLR 510** and by this Court in **Reliance General Insurance Co. Ltd. Vs. Sunita Pandey & Ors. 2014(5) RCR(Civil 791**. No fault could be found with the approach of the Tribunal in directing the appellant to satisfy the award in the first instance and then recover it from the driver and owner.

The amount of compensation awarded by the Tribunal is not on the higher side.

There is no merit in the appeal. The same is dismissed.

06.10.2017

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No