

FAO No.6457 of 2016 (O&M)

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

Date of decision: 30.08.2017

FAO No.6457 of 2016 (O&M)

Oriental Insurance Company Limited

...Appellant

Vs.

Dalbir Kaur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashwani Talwar, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

CM No.17373-CII of 2017

For the reasons stated in the application, the same is allowed and the delay of 1 day in filing the appeal is condoned.

CM No.21790-CII of 2016

For the reasons mentioned in the application, the same is allowed and the delay of 191 days in re-filing the present appeal is also condoned.

CM No.21791-CII of 2016

Exemption application is allowed as prayed for.

FAO No.6457 of 2016

Having heard Mr. Talwar at some length and on being recounted the litigation history of this case since passing of an ex parte award of the Motor Accident Claims Tribunal, Gurdaspur passed in 2010, I have in the total facts and circumstances arrived to the view that the award

of compensation in a death case is legal and valid when it awarded a sum of ₹3,22,000/- along with interest at the rate of 9% per annum to the claimants.

The death due to motor accident occurred on 21.08.2007. If the award does not deserve to be tinkered with, it is not necessary for this Court to go into any detail the subsequent orders passed in an application under Order 9 Rule 13 of the CPC for setting aside ex parte award for the reasons assigned. In order to keep the path to substantive justice without and obstruction, all intervening applications and orders passed therein are ignored and the award is upheld on merits.

Consequently, the instant appeal is dismissed.

30.08.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*