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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 9th October, 2017

+ **MAC APPEAL No. 80/2011**

ORIENTAL INSURANCE CO. LTD. Appellant

Through: **Mr. J.P.N. Shahi, Adv.**

versus

KRISHNA DEVI & ORS. Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On the accident claim case (MACT No. 351/04/08) of first to fourth respondents (collectively, the claimants) instituted on 03.02.2004, the motor accident claims tribunal, by its judgment dated 11.10.2010, awarded compensation in the total sum of Rs. 7,67,180/- in their favour on account of death of Balbir in motor vehicular accident that had occurred on 13.10.2003 involving negligent driving of tractor bearing registration no. HR 18 5534 by the fifth respondent, the vehicle being registered in the name of sixth respondent (the insured). The insurer had raised the plea that as the deceased was sitting in the trolley attached to the tractor it could not have been burdened with the liability. This plea was rejected by the tribunal.

2. The appeal by the insurer was brought on various grounds but is pressed at the hearing only to seek recovery rights against the registered owner of the vehicle.
3. Having heard the learned counsel for the insurer and having perused the record of the tribunal, this Court finds no substance in the above plea. The tribunal has concluded that the trolley being attached formed part of the tractor and on that basis has confirmed the liability of the insurer to satisfy the award of compensation. This finding being well-founded does not call for any interference.
4. The appeal is dismissed.
5. The insurance company had been directed by order dated 27.01.2011 to deposit the entire awarded amount with upto date interest as a pre-condition to the stay against execution of the award. The amount thus deposited will be released to the claimants in terms of the impugned judgment.
6. The statutory amount shall be refunded to the appellant.

R.K.GAUBA, J.

OCTOBER 09, 2017

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