

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of decision: 21.09.2018

(1) FAO No.2381 of 1999

The Oriental Insurance Company Ltd.

...Appellant

versus

Narinder Kaur and others

...Respondents

(2) FAO No.2448 of 1999

The Oriental Insurance Company Ltd.

...Appellant

versus

Mukhtiar Kaur and others

...Respondents

(3) FAO No.2725 of 1999

United India Insurance Company Ltd.

...Appellant

versus

Narinder Kaur and others

...Respondents

4) FAO No.2726 of 1999

United India Insurance Company Ltd.

...Appellant

versus

Mukhtiar Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Suvir Dewan, Advocate
for the appellant in FAO nos.2381 & 2448 of 1999
& for respondent no.6 in FAO no.2725 of 1999,
for respondent no.7 in FAO no.2726 of 1999.

Mr. D.P. Gupta, Advocate

for the appellant in FAO nos.2725 & 2726 of 1999.

Mr. Vipul Sharma, Advocate
for Mr. Ravinder Arora, Advocate
for respondent no.8 in FAO no.2381-1999.

AMOL RATTAN SINGH, J.

In all these four appeals, the challenge is to the Award passed by the learned Motor Accident Claims Tribunal, Patiala, dated 10.06.1999.

Two of these appeals (FAO nos.2381 and 2448 of 1999) have been instituted by the Oriental Insurance Company Ltd., whereas the other two appeals (FAO nos.2725 and 2726 of 1999) have been instituted by the United India Insurance Company Ltd. (two appeals having been filed by each appellant as the impugned Award decided 2 claim petitions, holding both the appellants liable to pay compensation to the claimants).

The two claim petitions were instituted by the legal heirs of two persons, Amarbir Singh and Jarnail Singh, who unfortunately died as a result of a motor vehicle accident that took place on 01.08.1996.

2. The case set up by the claimants was that when the late Amarbir Singh was riding (driving) a Rajdoot motorcycle bearing registration no.PJV-8428, with the late Jarnail Singh sitting behind him as a pillion rider, and they reached a crossing (chowk), a Maruti car bearing registration no.GJ-4D-66, driven by respondent Ravneet Chahal, owned by D. K. Rai, Director, Patiala Steel Castings Pvt. Ltd., came from behind, driven in a rash and negligent manner at a high speed, with the said respondent attempting to overtake the motorcycle by accelerating the speed of the car.

A truck was stated to be standing on the *kacha* path and with respondent no.4 unable to control the car she hit against the motorcycle. The

impact of the collision was stated to have been so great that both the riders of the motorcycle were thrown across the “intervening wall”, to the other side of the road, on which a car bearing registration no.CH-01-C-1557 was coming from the side of the Patiala, driven by respondent Jaspal Singh, the said car being owned by respondent Tejinder Pal Singh and insured by the United India Insurance Company Ltd. (respondent no.8 & 9 in the appeals instituted by the Oriental Insurance Company Ltd. and the appellant in the other two appeals).

The car driven by respondent Ravneet Chahal was insured by the Oriental Insurance Company Ltd. (appellant in two appeals and a respondent in FAO nos.2725 and 2726 of 1999).

The car driven by Jaspal Singh is also stated to have been driven in a rash and negligent manner, which ran over Amarbir Singh and Jarnail Singh, with them having received multiple injuries to which they unfortunately succumbed at the Rajindra Hospital, Patiala.

An FIR was registered on the same date by one Constable Charanjit Singh but he, as per the case of the claimants, “twisted the true facts”, with the name of Ravneet Chahal not mentioned in the FIR, as she was stated to be the daughter of an influential official of Patiala. However, a complaint having been lodged with the SSP, Patiala, an enquiry was ordered, “to punish the guilty persons”.

The accident itself is contended to have been witnessed by Sucha Singh and Amarjit Sharma.

3. As regards the occupation, age and income of the two deceased persons, it was contended that deceased Amarbir Singh was aged about 31 years, who owned about 5 acres of land in his own name and 5 acres in the

name of his mother, but with him cultivating the entire 10 acres, his mother being in Government service. It was further contended that after his death there was no male member in the family, his father already having died, with his son being aged only about 7 years and his daughter 4 years.

It was also contended that he was earning Rs.6000/- to Rs.7000/- per month, also by selling milk, with the claimants being entirely dependent upon his income and therefore, after his death, they were entitled to a compensation of Rs.10,00,000/-.

4. As regards the claim petition instituted by the legal heirs of deceased Jarnail Singh, i.e. Mukhtiar Kaur and both her minor sons, Ranbir Singh and Dalbir Singh, (respondents in FAO nos.2448 and 2726 of 1999), it was stated that he also owned 5 acres of land in his own name, 1 acre in the name of his mother and 4 acres in the name of his brother, with him cultivating and managing the entire land. His father too is stated to have already died, with therefore there being no male member in the family to look after the land, the brother also being a driver who spent most of his time out of station. His two sons are also seen, as per the memo of parties before the Tribunal, to be 10 years old and 8 years old, with his mother, Baljit Kaur, also being one of the claimants, other than the widow, Mukhtiar Kaur, aged 27 years.

Deceased Jarnail Singh is also stated to have been earning Rs.6000/- to Rs.7000/- per month as per the claimants, including from selling milk, with the claimants in his case too seeking compensation to the tune of Rs.10,00,000/-

5. Notice of the claim petitions having been issued to the respondents therein, including the two appellant companies in these appeals,

the driver of the car which is stated to have hit the motorcycle, i.e. Ravneet Chahal, filed a written statement admitting that the accident took place but stating that it actually took place with the other car bearing registration no.CH-01-C-1557, and not with her car bearing registration no.GJ-4D-66.

It was further pleaded that, in fact, when the car driven by Ravneet Chahal was approaching the Truck Union area near the crossing, the motorcycle came from behind at a high speed and try to overtake the car, with the rider thereof not able to control the motorcycle, which took a jump over the “intervening wall” (admitted by both counsel before this Court to be a divider), resulting in the deceased falling on the other side of the road and striking against the car bearing registration no.CH-01-C-1557, thereby sustaining injuries.

Hence, the contention of respondent Ravneet Chahal was that the accident occurred due to the contributory negligence of deceased Amarbir Singh and respondent Jaspal Singh, i.e. the driver of the car bearing registration no.CH-01-C-1557.

It was however admitted that a criminal trial was ongoing against her; though she claimed to be innocent and eventually stated that even if she was held liable, the compensation was to be paid by the Oriental Insurance Company Ltd., that had insured the car.

6. The owner of the vehicle, i.e. respondent D.K.Rai, admitted to such ownership and otherwise took the same stand as Ravneet Kaur, further stating that in fact the eye witness had only been created to strengthen the case of the claimants.

7. In the reply filed by the Oriental Insurance Company Ltd., a preliminary objection was taken that despite repeated requests, neither the

owner nor the driver of the car bearing registration no.GJ-4D-66 had submitted the original policy, nor had they supplied the complete particulars of the insurance policy and that, further, it was being driven by a person not authorised by its owner, the said person also not possessing a valid driving licence and therefore, there was no liability on the insurance company to pay any compensation, if awarded by the Tribunal.

It was also contended that the said car did not have even a valid registration book and fitness certificate and no intimation regarding the accident had been sent to the company, nor was any copy of the FIR or post mortem reports supplied.

On merits, the allegations made in the petition were denied.

8. In the written statement filed by the driver and owner respectively of the car bearing registration no.CH-01-C-1557, all the allegations made against them were denied, it being further contended that the accident actually took place due to the negligence of the driver of the other car as she struck her car against the motorcycle, due to which the riders of the motorcycle were thrown to the other side of the road, with their heads having struck against the road and actually they having died because of that; and in any case if the negligence of the driver of their car was proved, i.e. respondent Jaspal Singh, it would be the United India Insurance Company Ltd. (i.e. the insurer of the said car), that would be liable to actually pay any compensation.

9. The United India Insurance Company Ltd., also filed a written statement before the Tribunal, again denying all the allegations made in the claim petition, other than admitting that the car bearing registration no.CH-01-C-1557 was insured by the company during the relevant period.

The claim being highly exaggerated and the accident having been

caused by the driver of the other car, with her being an influential person who had got her name deleted from the FIR, were also pleas taken by the said company, further stating that the drivers of both the cars did not have valid driving licences and consequently, the company was not liable to pay any compensation even by way of any indemnity towards the liability of the insured.

10. Upon the aforesaid pleadings, the following issues were framed by the learned Tribunal:-

- “1. Whether respondent no.1 knocked down Amarbir Singh deceased, while driving car no.GJ-4D-66 negligently? OPP
2. Whether respondent no.4 ran over Amarbir Singh by driving car no.CH-01-C-1557 negligently? OPP
3. Whether respondents no.1 and 4 were not holding valid driving licences at the time of accident? If so to what effect? OPP
4. Whether there was no valid registration certificate and fitness certificate of car no.4/D/66. If so to what effect? OPR
5. How much compensation the petitioners are entitled to recover and from which of the respondents? OPP
6. Relief.”

11. In support of the case, the claim petitioners examined the principal claimants', i.e. the widows of the two deceased persons, (Narinder Kaur and Mukhtiar Kaur) as PWs2 and 3 respectively, the eye witness, Sucha Singh having been examined as PW1.

One Jit Singh was examined as PW4 as regards the ownership of land by both the deceased, with him stating that both the deceased originally belonged to his village, Nor-Kherian, with Amarbir Singhs' land also being near the land of this witness.

He also testified with regard to the two deceased actually cultivating their respective pieces of land and also selling milk and earning an income from the both, agricultural and dairy activities, with Jarnail Singh having also kept a servant (one Harmail Singh), to help him with his work, though he could not give the name of the servant of Amarbir Singh.

The death of the fathers of both the deceased, Amarbir Singh and Jarnail Singh, prior to the said persons, was also testified to by this witness, who further testified that Jarnail Singh used to sell his produce through a commission agent by the name of Subhash of Sanaur, though the commission agent through whom Amarbir Singh used to sell his produce, one Galler, had died.

He also testified that though, earlier, both the deceased had 10 buffaloes each, their families had only two buffaloes left.

12. The eye witness to the accident who was examined as PW1, i.e. Sucha Singh, is seen to have testified in terms of the version of the accident given in the claim petitions, further testifying that the car driven by respondent no.4 herein, as was coming from the side of Rajpura and had struck the motorcycle, did not stop at the spot but stopped “in the city”, with it having been intercepted by the police, with the police also being present at the site of the accident.

As per this witness, he only knew that the deceased were removed to the hospital.

He thus testified that the accident took place due to the negligence of the car which came from the side of the Chandigarh (also the Rajpura side), i.e. the one driven by Ravneet Chahal (insured the appellant Oriental Insurance Company Ltd.).

During cross-examination, he stated that the divider on the road was about 1½ feet high, with the lady driver having got a case registered against the driver of the other car and the motorcyclist.

He also testified that he always remained present “in the truck union”, and was therefore present at the spot when the accident took place, further deposing that “hundreds of persons were present at that time”.

As per this witness, the police did not “take any proceedings” in his presence, though he remained present at the spot for about half an hour, and further, that he knew the motorcyclist as Kala.

The widows of the deceased, i.e. the 'principal claimants', are seen to have testified essentially in terms of their claim petitions.

13. Respondent, Ravneet Chahal, i.e. the driver of the car which was alleged to have hit against the motorcycle, examined one Karambir Singh, who stated that his wife was a Director of Patiala Steel Casting Pvt. Ltd. During his cross-examination he admitted that respondent Ravneet Chahal, was driving the car bearing registration no.GJ-4D-66, with this witness' wife sitting with Ravneet Chahal in the car.

This witness had in fact brought the registration certificate of the car owned by the company (through its Director), stating that though it was insured with the Oriental Insurance Company Ltd., he had lost the copy of the policy.

14. Ravneet Chahal, as RW2, is seen to have testified essentially in terms of her written statement, further stating that she remained on the spot for about 5-10 minutes after she had stopped on hearing some noise on the road, further stating in cross-examination that the divider on the road was about 1½ feet high and about 2 to 3 feet wide.

15. Having appraised the aforesaid evidence, the learned Tribunal came to the conclusion that the contention of respondent Ravneet Chahal that it was in fact the motorcyclist who tried to overtake her car and could not control its speed and therefore had hit the divider and fallen on the other side of it, could not be believed, because she being an influential person (the daughter of a person who had just been promoted as an Assistant Excise and Taxation Commissioner in Patiala), there was no reason for her not to have lodged any report with the police about the accident.

Hence, seen further with the testimony of PW1, which appeared to be more probable and correct, seen with the further fact that the said respondent did not actually stop the car and had to be chased into the city, all pointed to her negligence in causing the accident.

As regards the driver of the other car, (respondent Jaspal Singh), he was also found to be negligent in causing the accident, because it was held that had he been driving the car at a slow speed, near a place where lots of trucks were standing, he could have easily stopped the car by seeing that the motorcyclists had fallen on the road. Hence, he too having driven rashly and negligently, caused their death.

16. Therefore, the drivers of both the cars, the owners thereof and the insurance companies that had insured the cars, were all held to be jointly and severally liable to pay compensation to the petitioners in both the claim petitions.

17. As regards the quantum of compensation, the revenue record in the form of *jamabandies*, Exs.P5 and P2, were found to have proved that the deceased were indeed owners of land, though their income was held to have been exaggerated by the claimants.

Hence, taking the income to be about Rs.4200/- per month in the case of each deceased, with Amarbir Singh found to be 31 years of age as per his post mortem report, a multiplier of 15 was applied to that income, (multiplied by 12 with the annual income). However, before arriving at the compensation to be paid to his legal heirs, the dependency on such income was worked out by breaking up the family into units, with two units taken for an adult and one for a minor, i.e. 6 units in all, including the two units applicable to the deceased. Therefore the income per unit was held to be Rs.700 per month, which on multiplying with the 4 units of the dependants, worked out to Rs.2800/-; from which a further sum of Rs.300/- was deducted as “out of pocket” expenses of the deceased. Thus, the monthly dependency of the claimants was worked out to be Rs.2500/- per month (after deducting Rs.1700/- per month towards the personal expenses of the deceased). The annual dependency therefore worked out to Rs.30,000/- to which a multiplier of 15 was applied, the total compensation therefore coming to be Rs.4,50,000/-, to be divided in equal shares amongst the three claimants qua deceased Amarbir Singh.

18. As regards deceased Jarnail Singh, he was found to be 30 years of age as per his post mortem report and similarly, a multiplier of 15 was applied to his case.

The number of adults in the family, including the deceased being three, i.e. the deceased, his wife and his mother, with there again being 2 minor children, the number of units was seen to be 8 and the share per unit therefore being Rs.525 (the monthly income already having been assessed to be Rs.4200/-).

The deceased was therefore held to be spending about Rs.1300/-

upon himself, the loss of income to his dependents thereby working out to be Rs.2900/- per month or Rs.34,800/- per annum.

Hence, with a multiplier of 15 applied, the total compensation to be paid to the legal heirs of Jarnail Singh was held to be Rs.5,22,000/-, again to be divided in equal shares amongst the four claimants.

19. On the total compensation of Rs.4,50,000/- awarded to the claimants in Amarbir Singhs' case and Rs.5,22,000/- in deceased Jarnail Singhs' case, interest @ 12% per annum was also ordered to be paid, running from the date of filing of the claim petitions till the date of realization thereof, with the shares of the minors directed to be wholly deposited in fixed deposits in a nationalized bank, and of the share of the adult claimants, Rs.50,000/- each were ordered to be paid to them, with the rest again ordered to be deposited in a fixed deposit.

20. Thus, aggrieved of the aforesaid Award, the present four appeals came to be filed by the two companies as had insured the vehicles whose drivers were found to be equally negligent in causing the accident.

With the appeals having been admitted to regular hearing, the records were partly burnt in a fire incident that took place in the record room of this Court in January 2011. Upon reconstruction of the paper-books with the help of learned counsel, notices were again ordered to be issued to the respondents; on May 09, 2014 in FAO no.2448 of 1999, and on different dates thereafter in the other appeals. Eventually, the first three respondents in FAO no.2381 of 1999 were ordered to be proceeded against *ex parte*, with the remaining respondents ordered to be served by way of substituted service, and were deemed to have been served upon publication of the notices issued in two daily newspapers, (in both the appeals filed by the Oriental Insurance

Company Ltd.).

As regards the appeals filed by the United India Insurance Company Ltd., though no substituted service was ordered specifically in these cases, learned counsel appearing for the respective insurance companies, i.e. Mr. Suvir Dewan for the Oriental Insurance Company Ltd. and Mr. D. P. Gupta for the United Insurance Company Ltd., were not in a position to refute that it would be pointless to issue notice by way of substituted service in all appeals, with the respondents being the same.

Hence, with the cases already having been ordered to be taken up for arguments on 08.01.2018, they eventually came up for hearing today.

21. Mr. Suvir Dewan, learned counsel appearing for the appellants in FAO nos.2381 and 2448 of 1999 (Oriental Insurance Company Ltd.), submitted that as a matter of fact the entire negligence should have been fastened on the driver of the car bearing registration no.CH-01-C-1557, insured by respondent no.8, i.e. the United India Insurance Company, on account of the fact that though it has been recorded by the Tribunal in the impugned Award that the said car was being driven rashly and negligently, due to which the two deceased Amar Bir Singh and Jarnail Singh were run over by the said car when they had fallen on the other side of the dual carriage way after the motor cycle that they were riding on was hit from behind (as per the finding of learned Tribunal), by the car bearing registration no. GJ-4D-66 (insured by the Oriental Insurance Company), however, both learned counsel appearing for the United India Insurance Company in these appeals, (i.e. Mr.Vipul Sharma, for the company as a respondent in two appeals and Mr.D.P.Gupta for the same company as an appellant in FAO nos.2725 & 2726

of 1999) submit that once it is established that the motor cycle was hit from behind by the car insured by Oriental Insurance, and on account of the aforesaid collision both the riders on the motor cycle were thrown across the divider on the dual carriage way, no liability can be fastened on the car insured by the United India Insurance Company.

All learned counsel appearing for the two insurance companies have, however, together also tried to assail the amount of compensation awarded. Yet, they have not been able to point out as to how the compensation of Rs.4,50,000/- in the case of deceased Amar Bir Singh and Rs.5,22,000/- in the case of Jarnail Singh, is excessive in any manner, even on the touch stone of the law now settled in **National Insurance Company Limited vs. Pranay Sethi and others**, AIR 2017 SC 1270 read with the ratio of the law laid down in **Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another** (2009) 6 SCC 121. That issue will be discussed in detail further ahead.

22. Having considered the short arguments raised before this Court, as also the impugned Award and having appraised the testimonies of the witnesses as per record submitted to this Court today by learned counsel for the appellants, (the rest of the record having been burnt), as regards the issue on negligence, I see no error in the finding of the learned Tribunal to the extent that the drivers of both the vehicles were negligent in causing the accident.

Though it would otherwise be difficult to believe that both the riders of the motor cycle were thrown across the divider on a dual carriage-way, however nothing could be pointed out to this court from the testimony of the eye witness, PW-1 Sucha Singh, that the accident did not take place in the

manner that he described in his testimony.

His presence at the spot is also not found to be unnatural, he being a truck operator present at the place where the truck union had its office and the accident admittedly having taken place at that spot.

Consequently, as regards the version of the accident accepted by the Tribunal, I see no reason to interfere with it.

23. However, in my opinion, the equal liability fastened on each of the drivers is wholly misplaced, because the finding against respondent Ravneet Chahal is that it was her car which actually came and hit the motorcycle on which the deceased were travelling, in the process of overtaking the motorcycle, after which she lost control thereof, thereby hitting the motorcycle. The impact of the collision was found to be so great that both the deceased were thrown across the divider of the dual carriage-way to the other side of the road, where they were hit by the driver of the car driven by respondent Jaspal Singh.

I also find no error in the conclusion reached by the learned Tribunal that with Ravneet Chahal having actually been chased into the city for her to be apprehended, her contention to the effect that the accident never took place between her car and the motorcycle, cannot be accepted, with nothing also having been shown that the testimony of the eyewitness to that effect was assailable in any manner, especially with the Tribunal also having come to a finding of fact that her father was an influential person in the area and eventually a complaint had to be made to the SSP for a proper inquiry to be conducted, upon which she was infact named as an accused in the criminal proceedings lodged *qua* the accident in question.

24. Hence, even accepting that had Jaspal Singh been driving slower,

possibly he could possibly have avoided hitting the deceased when they were thrown to the other side of the carriage way, in my opinion at least 75% of the negligence must be attributed to respondent, Ravneet Chahal, with only 25% thereof to be attributed to respondent Jaspal Singh.

Consequently, the finding of the Tribunal on issues no.1 and 2 is modified to that extent.

25. Nothing has been argued before this Court as to issue no.3, that respondents no.4 and 6 were not holding valid driving licences and consequently, the finding on that issue is left undisturbed, in any case the said issue not having been pressed even before the Tribunal.

Similarly, issue no.4, on there being no valid registration certificate and fitness certificate as regards the car driven by respondent Ravneet Chahal is concerned, that was also not pressed before the Tribunal and nothing on that issue again has been argued before this Court.

26. Coming to the question of compensation awarded by the Tribunal, i.e. issue no.5; as regards the income of the deceased of Rs.4200/- per month, though of course they were found to be agriculturists possibly also selling milk, with the land still being with their legal heirs, however, I see no error in holding that even in their supervisory capacity they would be deemed to be earning at least that much, with no adult male member left in the either family of the deceased to cultivate their land at that time, thus obviously necessitating that the widows either hire somebody for an amount of Rs.4200/-, or to supervise cultivation of the land as also dairy farming.

Hence, the finding on the incomes of the deceased is also not disturbed by this Court.

27. Coming then to the whether the multiplier of 15 has been correctly applied, it is seen that as per the ratio of **Sarla Verma vs. Delhi Transport Corporation** (2009) 6 SCC 121, as a matter of fact, where the deceased was between 26 to 30 years of age, a multiplier of 17 is to be applied and where he was in the age group of 31 to 35 years of age, a multiplier of 16 is to be applied.

The Tribunal, on the other hand applied a uniform multiplier of 15 to both cases, despite the fact that Amarbir Singh was found to be 31 years of age and Jarnail Singh was found to be 30 years of age.

However, the claimants not being in any appeal for enhancement of the compensation awarded to them, nothing further is said on that issue by this Court.

As per the units method that was applied by the Tribunal, the loss of dependent income in the case of the claimants in Amarbir Singhs' case was worked out to Rs.2500/- per month and in the case of Jarnail Singh it was worked out to Rs.2900/- per month.

As per the ratio of *Sarla Vermas'* case, a deduction of $\frac{1}{3}^{\text{rd}}$ is to be applied to the income of the deceased where the number of dependents are 2 to 3 and a deduction of $\frac{1}{4}^{\text{th}}$ is to be applied where the dependents are 4 to 6.

In Amarbir Singhs' case, the number of dependents are 3 and consequently, from his monthly income of Rs.4200/-, a $\frac{1}{3}^{\text{rd}}$ deduction towards his personal expenses was to be applied, i.e. Rs.1400/- per month with the loss of income to the dependents income coming to Rs.2800/- per month or Rs.33,600/- per annum. Thus, if to that income, a multiplier of 16 is applied, again in terms of *Sarla Vermas'* case, the total compensation

awardable would be Rs.5,37,600/- and not Rs.4,50,000/- as was awarded by the Tribunal.

28. In the case of the claimants in Jarnail Singhs' case, the deduction towards the personal expenses of the deceased would be, in fact, 1/4th or Rs.1050/- per month, thereby creating a loss of dependent income of Rs.3150/- per month for his dependents (including his mother), the annual loss of income to them therefore being Rs.37,800/- to which a multiplier of 17 is actually to be applied (not 15).

Hence, the compensation awardable to the four legal heirs of deceased Jarnail Singh would be Rs.6,42,600/- and not Rs.5,22,000/-, as was awarded by the Tribunal.

However, as already said, the respondents-claimants not being in appeal before this Court for enhancement of the compensation awarded to them, nothing further is to be said on that score by this Court on that count.

29. Consequently, in view of what has been held hereinafore on the question of apportionment of negligent, while dismissing the appeals filed by the Oriental Insurance Company Ltd. in toto (FAO nos.2381 and 2448 of 1999), the appeals filed by the United India Insurance Company Ltd. (FAO nos.2725 and 2726 of 1999) are partly allowed, to the extent that of the total compensation to be paid to the respondents-claimants in all these appeals, as was awarded by the Tribunal, the appellant United India Insurance Company Ltd. would be liable to indemnify the owner of the vehicle insured by it, only to the extent of 25% of such compensation and not 50%, with 75% of the compensation to be paid by the Oriental Insurance Co.Ltd.

In the circumstances of the case, with the respondents-claimants in any case not having put in any appearance before this Court, there shall be

no order as to costs as regards these appeals, with the costs awarded by the Tribunal, however, maintained.

21.09.2018

D.K./dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No