

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

FAO No.4291 of 2013 (O&M)

Date of decision: 04.05.2018

National Insurance Co. Ltd.

.... Appellant

Versus

Beant Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Gopal Mittal, Advocate
for the appellant.

Mr. HPS Ishar, Advocate and
Ms. Sakshi Saini, Advocate
for respondent No.5.

Avneesh Jhingan, J.

The insurer of the motorcycle bearing registration No.PB-19E-1682 is in appeal against award dated 22.03.2013 passed by Motor Accidents Claims Tribunal, Mansa (hereinafter referred to as 'the Tribunal').

In a motor vehicular accident that took place on 01.06.2011, Devinder Singh, aged 55 years, lost his life. The offending vehicle in the said accident was motorcycle bearing registration No.PB-19E-1682. The legal heirs of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

The Tribunal awarded a sum of Rs.4,16,000/- along with interest @ 7.5% per annum.

The Tribunal also gave recovery rights to the insurer.

The insurer has filed the present appeal on the ground that instead of giving recovery rights, the Insurance Company should have been absolved from its liability.

During the arguments of the appeal, it was specifically put to the counsel for the appellant whether the payment has been made to the claimants.

On instructions from the client, learned counsel for the appellant states that the payment has already been made to the claimants on 24.03.2014.

The appellant already has recovery right, since the payment has been made, the appeal has become rendered infructuous.

The appeal is disposed of as infructuous.

(AVNEESH JHINGAN)
JUDGE

04.05.2018

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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No