

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

FAO No.1373 of 2018(O&M)

Date of decision: 21.5.2018

The Oriental Insurance Co. Ltd.Appellant

VERSUS

Kamla Devi and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.K. Bashamboo, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The Insurance Company is in appeal against award dated 06.11.2017 passed by the Motor Accidents Claims Tribunal, S.A.S. Nagar (Mohali) (in short 'the Tribunal') whereby compensation has been awarded on account of death of Ranjit Kumar in a motor vehicular accident that took place on 07.08.2016.

The sole submission made by counsel for the appellant is that as the accident is result of exclusive negligence of unknown vehicle namely car and even the FIR was lodged by owner and driver of the motorcycle against that unknown vehicle, liability to pay compensation has wrongly been fastened against driver of motorcycle and the insurer.

I have gone through findings of the Tribunal on issue No.1 but find it difficult to differ with the findings recorded by the Tribunal. As has been rightly held by the Tribunal that even if accident is the result of composite negligence of two vehicles, claimants are at liberty to seek compensation from either of the joint tortfeasors. In this view of the

matter, findings of the Tribunal on issue No.1 are liable to be affirmed and ordered accordingly.

So far as the plea of appellant with regard to allowing interest at the rate of 9% per annum in case compensation is not paid within three months, the Tribunal otherwise could allow interest at the rate of 9% per annum, therefore, there is no ground for interference. In this context, reference can be made to judgment of Hon'ble the Supreme Court **Sandhya Rani Debbarma and others Vs. National Insurance Co. Ltd. and another, 2016(4) RCR (Civil) 465.**

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

MAY 21, 2018

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no