

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 4073 of 2010(O&M)

Date of Decision: 25.3.2019

Oriental Insurance Company Limited

---Appellant

versus

Satish Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Anamika Mehra, Advocate
for the appellant

Mr. Rajesh Arora, Advocate,
for Respondent No. 1

Rekha Mittal, J.

The present appeal directs challenge against award dated 6.3.2010 passed by the Motor Accidents Claims Tribunal, Gurgaon (in short “the Tribunal”) whereby compensation has been assessed on account of damage to Tata Safari bearing registration No. HR- 26 AS- 2736 due to rash and negligent driving of bus No. HR-55F-2273 in a motor vehicular accident that took place on 11.11.2009.

Counsel for the insurance company would inform that the present appeal has been preferred to assail only quantum of compensation assessed by the Tribunal as the Tribunal has awarded a sum of Rs, 2,10,449/- but liability of the insurance company in terms of Section 147(2) of the Motor Vehicles Act, 1988 should be restricted to Rs. 6000/- in all.

However, she has fairly informed that appeal against driver and owner of the offending vehicle already stands dismissed by this court vide order dated 16.8.2016 and application filed by the insurance company for recall of that order was also dismissed by this Court on 24.9.2018.

Counsel representing the claimant, on the contrary, would inform the court that compensation assessed by the Tribunal has already been paid to the claimant and claim stands satisfied.

Be that as it may, it is undisputed position of the case that appeal filed by the insurance company against respondents No. 2 and 3, driver and owner of bus No. HR-55F-2273(alleged offending vehicle) stands dismissed by this Court and as such plea of the insurance company for modification of the award to prejudice of the driver and owner of the offending vehicle cannot sustain and is liable to be rejected.

In view of what has been discussed hereinbefore, the appeal is dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

25.3.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No