

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) FAO 3282 of 2003 (O&M)
Date of decision : 17.2.2023.

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The Oriental Insurance Company Ltd., Chandigarh
.....Appellant

vs.

Smt. Santra Devi and others
.....Respondents

2) FAO 4184 of 2003 (O&M)

...

The Oriental Insurance Company Ltd., Chandigarh
.....Appellant

vs.

Raj Kumar and others
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. V. Ramswaroop, Advocate for the appellant

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H. S. Madaan, J.

1. Vide this common order, I intend to dispose of two appeals bearing, FAO 3282 of 2003 (O&M) titled as 'The Oriental Insurance Company Ltd., Chandigarh vs. Smt. Santra Devi and others' and 'The Oriental Insurance Company Ltd., Chandigarh vs. Raj Kumar and others', as both these appeals have arisen out of the same

award.

2. Briefly stated, facts of the case are that Raj Kumar driver of the moped and Hira Lal, aged 57 years, who was pillion riding, had suffered injuries in a motor vehicular accident, which took place on 13.9.2001, statedly on account of rash and negligent driving of motorcycle bearing registration No. HR-36-A-5283, by Mahesh Kumar. Hira Lal had succumbed to the injuries suffered by him. Legal representatives of Hira Lal had brought a claim petition against driver, owner and the Insurance company of the motorcycle. Similarly, Raj Kumar, injured had filed a separate claim petition, seeking compensation against those very persons. As both the claim petitions had arisen out of the same accident, those were tried together and after contest, the Motor Accidents Claims Tribunal, Narnaul, accepted both the claim petitions and as regards to the claim petition filed by Smt. Santra Devi, widow and Jaivir- son of deceased Hira Lal, and a compensation of Rs.2,01,500/- was awarded with interest @ 9% per annum, to be shared by them equally, whereas with regard to Raj Kumar – injured, a compensation of Rs.1,50,000/- was awarded, vide award dated 3.3.2003.

3. Feeling aggrieved, the respondent Insurance company has preferred two separate appeals before this Court, notice of which was given to the claimants, who had put in appearance. Unfortunately, record of the case got burnt in a fire which broke out in the record room of this Court and it was re-constructed with the help of the documents provided by learned counsel for the appellant and put up

before this Court for decision.

4. I have heard learned counsel for the appellant, besides going through the record and I find that the compensation awarded in both the cases can certainly be not termed to be on higher side and I am not inclined to reduce the compensation.

5. As regards, the objection raised by learned counsel for the appellant that respondent No.1 was not possessing legal and valid driving licence to drive the motorcycle, that aspect has been dealt with in detail by the Tribunal and I do not see any reason to differ with it. Therefore, no occasion is there to grant any recovery rights to the appellant-Insurance company.

6. I do not find any merit in the appeals. Both the appeals are accordingly, dismissed.

17.2.2023
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No