

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

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FAO-85-1993 (O&M)

Date of decision : 07.11.2023

United India Insurance Company Limited

.....Appellant

Versus

Arvinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajneesh Malhotra, Advocate,
for the appellant.

AMAN CHAUDHARY, J.

1. Challenge in the present appeal is to the award dated 28.04.1992 passed by the learned Motor Accidents Claims Tribunal, Amritsar (for short 'the Tribunal'), whereby a sum of Rs.1,92,000/- was awarded as compensation to respondent Nos. 1 to 4, on account of death of one Jaspal Singh, in a road side accident and the appellant being the insurer and the driver and owner of the offending vehicle were jointly and severally held liable to make the payment.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch and has been pending for more than 30 years.

3. The solitary argument raised by the appellant is that the claimants had filed another claim petition at another place regarding the same accident, in which, they had impleaded a different Insurance company as party respondent being the insurer of the offending vehicle.

4. None has appeared on behalf of the claimant-respondent Nos. 1 to 4.
5. Heard and perused the case file.
6. The urging on behalf the appellant-Insurance Company, of claim petition having been filed against some insurance company would not absolve them of their liability in wake of the fact that they were unable dispute that the truck in question was validly insured, a policy of which was Ex.R1. Moreso, this plea would be impermissible to be raised in appeal. Further still, in response to a query posed, learned counsel for the appellant on instructions submitted that the amount as awarded by the Tribunal was, as a matter of fact, deposited.
7. The present appeal being bereft of merit is hereby dismissed.

07.11.2023
gsv/Ankur

(AMAN CHAUDHARY)
JUDGE

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