



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202
FAO-4799-2004 (O&M)
Date of decision: 09.09.2024

NATIONAL INSURANCE COMPANY LIMITED
....APPELLANT
Vs.
BALWINDER KAUR AND OTHERS
...RESPONDENTS

FAO-5492-2004
BALWINDER KAUR AND OTHERS
....APPELLANTS
VS.
PRITPAL SINGH AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. V. Ramswaroop, Advocate
for the appellant(s) (in FAO-4799-2004) and
for respondent No. 3 (in FAO-5492-2004).

Mr. Hitesh Sood, Advocate
for the appellant(s) (in FAO-5492-2004).

Mr. Harsh Aggarwal, Advocate
for respondent Nos. 1 to 6 (in FAO-4799-2004).

JAGMOHAN BANSAL, J (ORAL)

1. By this common order FAO-4799-2004 and FAO-5492-2004 are being disposed of since issues involved in both the appeals and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from FAO-4799-2004.
2. The appellant through instant appeal is seeking setting aside of Award dated 29.07.2004 passed by Motor Accident Claims Tribunal, Hoshiarpur.



3. The appellant in this appeal is Insurance Company whereas appellant in FAO-5492-2004 are legal heirs of the deceased.
4. On 03.08.1999, an accident took place wherein Inderjit Singh who was coming from Dasuya to his village on scooter No. PB-08-4861 passed away. A claim petition came to be filed before the Tribunal which was allowed. The Tribunal awarded a sum of Rs. 1,75,000/- along with 9% interest to claimants.
5. The claimants are seeking enhancement and Insurance Company is claiming that it was not given full opportunity to lead its evidence especially to prove that vehicle was not insured with them.
6. On being confronted with written statements and findings of the Tribunal, Mr. V. Ramswaroop, Advocate expressed his inability to controvert that question raised herein was not raised before the Tribunal.
7. Learned counsel for the claimants (FAO-5492-2004) submits that their grievance would be redressed, if the amount awarded by Tribunal is not disturbed.
8. In the wake of statement of both sides and considering the findings of Tribunal, this Court does not find any infirmity in the impugned order warranting interference.
9. Dismissed.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.09.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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