

**CR No.415-2007**

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

219-2**CR No.415-2007****Date of Decision:** January 29, 2025**The Oriental Insurance Company Limited****.....petitioner(s)****Vs.****Raj Kumar and others****.....Respondent(s)****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. D.P. Gupta, Advocate and
Mr. Shubham Gupta, Advocate
for the petitioner.

Mr. J.P. Sharma, Advocate
for respondents No.1 and 2

SUDEEPTI SHARMA J. (ORAL)

The Insurance Company by way of the present revision petition has challenged the award dated 05.10.2006 passed by the Motor Accident Claims Tribunal, Narnaul in MACT case No.12 of 2005, whereby the Ld. Tribunal allowed the claim petition No.128 of 2005 and the claimant-respondent No.1 was held entitled compensation to the tune of Rs.1,40,000/- alongwith the interest @ 7% per annum. Further, Insurance company was held liable to pay the compensation at the first instance and the recovery rights were granted to the Insurance Company to recover the said amount from respondents No.2 and 3 (driver and owner of the offending vehicle).

2. Learned counsel for the appellant-Insurance Company contends that the Ld. Tribunal has wrongly held the Insurance Company to pay the compensation to the claimants.



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3. *Per contra*, learned counsel for the respondents contends that the award has rightly been passed.

4. I have heard learned counsel for the parties and perused the whole record of the case.

5. At the very outset, it is observed that the appropriate legal remedy against an award passed by the learned Motor Accidents Claims Tribunal (MACT) is an appeal under the Motor Vehicles Act. A civil revision petition challenging the award of the Tribunal is not maintainable before the High Court, as the statute specifically provides for an appellate mechanism.

6. Be that as it may, upon a careful examination of the entire record, this Court finds no perversity or material irregularity in the award rendered by the learned Tribunal. The findings of the Tribunal are based on due appreciation of evidence and are in consonance with the settled principles of law governing motor accident claims.

7. Furthermore, vide order dated 25.01.2007, execution of the impugned award beyond the amount of ₹50,000 was stayed. However, in view of the present findings affirming validity of the award, the interim stay stands vacated. Consequently, the insurance company is directed to comply with the award dated 05.10.2006 as rendered by the learned Tribunal.

8. In view of the above, this Court finds no merit in the present petition. Accordingly, the present petition is dismissed, and the award of the Tribunal is affirmed.

9. All the pending applications also stand disposed of.



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10. The Insurance Company is hereby directed to disburse the current scheduled fee to Mr. D.P. Gupta, Advocate within a period of 20 days from the date of receipt of copy of this order.

(SUDEEPTI SHARMA)
JUDGE

January 29, 2025
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Whether speaking/reasoned:	Speaking
Whether reportable	Yes / No