
(2015) 01 RAJ CK 0297

In the Rajasthan High Court

Case No : Civil Misc. Appeal No. 1686 of 2010

Bajaj Allianz Gen. Ins. Co.

APPELLANT

Vs

Premwati and Others

RESPONDENT

Date of Decision : 08-01-2015

Acts Referred:

Citation : (2015) 3 CDR 1496

Hon'ble Judges : M.C. Sharma, J

Bench : Single Bench

Advocate : Virendra Agrawal, for the Appellant; Sriram Yadav, Advocates for the Respondent

Final Decision : Dismissed

Judgement

M.C. Sharma, J—This appeal has been filed against the judgment and award dt. 15.2.2010 passed by learned Judge, MACT, Alwar in claim case No. 221/2004 whereby the claim petition filed by the respondent No. 1 to 5 has been allowed and an award of Rs. 10,53,000/- has been passed in their favour. Brief facts of the case are that the deceased Ramesh Chand was going on motor-cycle No. DL-65R-8074 which was being driven by Heera Singh and the driver of the motor-cycle stopped the vehicle on the request of deceased for passing urine and after passing the urine on the road side when the deceased Ramesh Chand coming towards motorcycle standing on the road, suddenly one Quails bearing No. DL-4C-R-2764 came from Basant Vihar side, it was being driven by Rudra Pal Singh rashly and negligently and hit him. Due to that, Shri Ramesh Chand sustained serious injuries and the car driver ran away. The injured was taken to Safdarjung Hospital. Delhi through Ambulance of police department and he died at about 5.00 P.M. on 5.3.2004 during the course of treatment. FIR bearing No. 73/2004 of the said incident was lodged against the driver of Quails. Thereafter, claim petition was filed by the claimants. Notices were issued of the claim petition, reply was filed and five issues were framed. After hearing all the parties, the learned Tribunal vide its impugned judgment and award dt. 15.2.2010 passed

the aforesaid award. Against the said award, this appeal has been preferred by the Insurance Company.

2. Mr. Virendra Agrawal, learned counsel for the Insurance Company has contended that the impugned award dt. 15.2.2010 is absolutely illegal, without jurisdiction and contrary to the facts of the case. He has further contended that while deciding issue No. 2, the learned Tribunal has assessed income on higher side, and also has not considered the evidence submitted by all the parties. He has further submitted that earlier matter was remanded on 21.2.2008 and Rs. 43,000/- was enhanced.

3. On the other hand, Mr. Sriram Yadav, counsel appearing on behalf of the respondent-claimants has contended that the learned Tribunal has rightly passed the Impugned award and same does not require any interference by this Court.

4. I have heard learned counsel for the parties and perused the impugned award dt. 15.2.2010. I am in agreement with the findings arrived at by the learned Tribunal, which read as under:

Accordingly in view of above, I do not think it just and proper to interfere with the impugned award dt. 15.2.2010. Hence, this appeal is dismissed and the impugned award dt. 15.2.2010 is affirmed.