

(2005) 03 RAJ CK 0076
In the Rajasthan High Court

Banwari Lal

APPELLANT

Vs

Gopi Ram

RESPONDENT

Date of Decision : 14-03-2005

Acts Referred:

Citation : (2005) 3 ACC 464

Hon'ble Judges : S.K. Keshote, J

Bench : Single Bench

Judgement

S.K. Keshote, J.—Heard learned Counsel for the claimant appellant and perused the entire record of the appeal.

2. The appeal is directed against the award, dated 25.10.2004, of the learned Motor Accident Claims Tribunal (Additional District and Sessions Judge, Fast Tract No. 3), Jaipur District, Jaipur, (for short, "the Tribunal"), in M.A.C. No. 322/2004 whereby the learned Tribunal awarded a sum of Rs. 87,130/- for the injuries sustained by the claimant appellant in the motor vehicle accident.

3. The only grievance made by the learned Counsel for the claimant appellant against the award impugned in this appeal is that though the learned Tribunal has held that the Insurance Company is statutorily liable to pay the compensation to the claimant appellant U., third party, but, at the same time, committed an error in imposing a condition on payment thereof that the Insurance Company shall pay the compensation to the claimant appellant only when the respondent No. 1, the owner of the truck, furnishes a surety that he will pay the amount of compensation paid by the Insurance Company to the claimant appellant, to the Insurance Company.

4. Having heard learned Counsel for the claimant appellant I am satisfied that imposition of this condition is virtually a denial of the amount of compensation to the claimant appellant; the claimant appellant is not in a position to compel the owner of the truck to furnish the surety as directed by the learned Tribunal under the impugned award. The condition imposed by the learned Tribunal is

unreasonable and unjustified and it cannot be allowed to stand.

5. In view of the aforesaid discussion, the appeal is disposed of in the terms that the condition imposed by the learner Tribunal that the amount of compensation shall be paid by the Insurance Company only after the owner of the truck furnishes the surety for that amount is deleted.

6. The Insurance Company is directed to forthwith deposit the amount of compensation together with interest as awarded by the learned Tribunal, in this Court by Account Payee Cheque/DD/Pay Order drawn in the name of Registrar (Administration), Rajasthan High Court, Jaipur Bench, Jaipur. After the amount aforesaid is deposited, the Court will pass the order of disbursement or investment thereof.

7. It is made clear that this order has been passed without notice and opportunity of hearing to the non-claimant respondent No. 2 and in case it feels dissatisfied and aggrieved of this order, liberty is granted to it to apply for review/ modification thereof by filing a simple note.