
(2016) 02 SHI CK 0012
In the High Court Of Himachal Pradesh
Case No : FAO (MVA) No. 452 of 2009

Hans Raj Thakur and Anr.

APPELLANT

Vs

Leela Wati and Anr.

RESPONDENT

Date of Decision : 26-02-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 147, 149, 166

Citation : (2016) 2 HimLR 1264 : (2016) ILRHP 502

Hon'ble Judges : Mansoor Ahmad Mir, C.J.

Bench : Single Bench

Advocate : Sanjeev Sood, Advocate, for the Appellant; Baibhav Tanwar, Advocate, Seema Sood, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, C.J. (Oral) - This appeal is directed against the judgment and award dated 25.5.2009, made by the Motor Accident Claims Tribunal Ghumarwin, District Bilaspur, H.P. in MAC No. 19 of 2005-04, titled Leela Wati v. Hans Raj Thakur and others, for short "the Tribunal", whereby compensation to the tune of Rs. 55,000/- along with interest @7.5% per annum came to be awarded in favour of the claimant, hereinafter referred to as "the impugned award", for short.

2. Owner and driver, by the medium of this appeal, have questioned the impugned award on the grounds taken in the memo of appeal.

3. The insurer and claimant have not questioned the impugned award on any ground. Thus, it has attained finality so far as it relates to them.

4. The insured has committed breach of the terms and conditions of the insurance policy read with the mandate of Sections 147 and 149 of the Motor Vehicles Act, for short the "Act". The Tribunal has rightly made the discussion in paras 19 to 21 of the impugned award.

5. It appears that a meagre amount has been awarded by the Tribunal in favour of the claimant who has sustained grievous injuries because she has lost her tooth and suffered fracture in the jaw, which is not disputed.
6. The amount awarded is too meagre but unfortunately, the claimant has not questioned the same. Thus it is reluctantly upheld.
7. The insurer has to satisfy the impugned award with right of recovery from the owner.
8. Accordingly, the impugned award is upheld and the appeal is dismissed.
9. The insurer is directed to deposit the amount within 8 weeks from today. The Registry on deposit of the same is directed to release the amount in favour of the claimant, strictly as per the terms and conditions contained in the impugned award, through payee's cheque account, or by depositing the same in her bank account, after proper verification.
10. Send down the record forthwith, after placing a copy of this judgment.