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**(2012) 03 RAJ CK 0021**

**In the Rajasthan High Court**

**Case No :** Civil Miscellaneous Appeal No. 2738 of 2011

Hanuman Sahai Devan and Others Etc.and Others

APPELLANT

Vs

Dharampal Sharma and Others Etc. and Others <BR> Bajaj  
Allianz General Insurance Company Ltd. Vs Smt. Shakuntala  
Devi and Others

RESPONDENT

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**Date of Decision :** 12-03-2012

**Acts Referred:**

**Citation :** (2012) 03 RAJ CK 0021

**Hon'ble Judges :** Mahesh Bhagwati, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## **Judgement**

Mahesh Bhagwati, J.—All the aforesaid ten appeals have arisen out of and pertain to judgment and award dated 20th May, 2008 rendered by Additional District Judge (Fast Track) No. 6, Jaipur City, Jaipur hence they have been heard together and are being disposed of by this common order. Background facts of the case, in nut shell, are that:

On 3.12.2004 Savitri Devi and others were coming from the temple of Salasar to Jaipur by Indica Car bearing registration No. RJ 14-7C 6585. When they were passing through the territory of Nechhwa Police Station, a Car bearing Registration NO. DL 8CJ 3261 suddenly appeared from the opposite direction. Both the vehicles collided with each other, as a result of which Savitri Devi died and others sustained injuries.

2. Appeals Nos. 2888/2008, 2889/2008, 2890/2008, 2891/2008 and 2892/2008 have been preferred by the Insurance Company challenging the impugned award on the ground that the amount of compensation awarded by the Tribunal is abysmally high, which needs to be reduced and the appeal deserves to be allowed.

3. Appeals Nos. 2738/2011, 3878/2008, 3879/2008, 5080/2008 and 765/2011

are found to have been preferred by the claimants. Being aggrieved and dissatisfied with the amount of under the award, they have beseeched to enhance the quantum of compensation.

4. Having heard the learned counsel for the parties and carefully perused the impugned award, it is noticed that in appeal no. 2738/2011 the learned Tribunal decreed an amount of Rs. 2,89,000/- in favour of claimants, in appeal 3878/2008 decreed an amount of Rs. 4,11,700/- , in appeal no. 3879/2009 the learned Tribunal decreed an amount of Rs. 60,300/- , in appeal no. 5080/2008 decreed an amount of Rs. 54,200/- and in appeal no. 765/2011 decreed an amount of Rs. 1,80,000/- in favour of the claimants and against the Insurance Company as also the owner and driver of the vehicle. The learned Tribunal is found to have taken care of all the facts and circumstances of the case and having critically analyzed the evidence led by both the parties ad-longum arrived at the right conclusion in passing the award of the aforesaid amount in different claim petitions.

5. Neither the learned counsel for the Insurance Company has exhibited any verve in pressing the appeals nor the learned counsel for the claimants has shown any spirit so as to lead this Court to feel that the amount of award passed by the Tribunal is too exiguous. The impugned award is found to be just and proper and suffers from no infirmity.

6. Learned counsel for both the parties have utterly failed to convince me to take a contrary view to that of the view taken by the learned Judge of the Tribunal. I fully concur with the finding arrived at by the Tribunal in all these appeals and hence, the appeals filed by both the parties being devoid of any substance deserve to be dismissed.

7. For the reasons stated above, all the afore-stated appeals fail and the same being bereft of any merit deserves to be dismissed, which stand dismissed accordingly. Consequent upon the dismissal of appeals, the stay applications, filed therewith, do not survive and they also stand dismissed.