
(1985) 09 RAJ CK 0014

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No's. 79 and 84 of 1983

Kesu Lal

APPELLANT

Vs

Uma Devi and Others

RESPONDENT

Date of Decision : 09-09-1985

Acts Referred:

Citation : (1985) WLN 608

Hon'ble Judges : Pana Chand Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Panna Chand Jain, J.—The above mentioned two appeals i.e. 79/83 and 84/83 arise out of the common Award dated 3-7-1982 passed by the Motor Accident Claims Tribunal in claims case No. 152/78 and 153/83, the both are there ore, disposed of by a common order.

2. Om Prakash claimant of case No. 152/78 filed a claim for compensation of Rs. 15,000/- and claimant Smt. Uma Devi in claims case No. 153/78 filed a claim for claiming a sum of Rs. 9,000/- from the owner and driver of Vehicle No. RJY 6022, owner and driver of car No. RJY 9783 and the Insurance Company of the two vehicles, co-incidentally the Insurer in National Insurance Company Ltd. The Claims Tribunal after appreciating the entire evidence on record, award a sum of Rs. 5,000/- to Smt Uma Devi and Rs. 2000/- to Om Prakash for the injuries sustained by them. The claims tribunal after holding the composite negligence of the drivers determined that the drivers and owners of the two vehicles were jointly and severally liable for payment of compensation. The Insurance Company was also made liable to satisfy the award, to the extent of the sum awarded in the two cases. Kesu Ram the owner of car RJY 9783 has filed both the appeals i.e. 79/83 and 84/83, aggrieved by the award dated 3-7-1982 passed by the Claims Tribunal.

3. Shri B.N. Calla, learned counsel for the appellants has submitted that the

finding of the learned Claims Tribunal on the issue of negligence is not correct. The learned counsel for the respondent Shri N.P. Gupta contended that the finding given by the Claims Tribunal is perfectly justified and based on evidence on record. Shri P.K. Bhansali appearing on behalf of the Insurance Company supported Shri B.N. Calla. He has further submitted that the amount has already been paid to the claimants.

4. I have given my thoughtful consideration to the submissions made by Shri B.N. Calla. Shri Calla could not satisfy as to why the finding arrived at by the Claims Tribunal is not correct. The finding of the Claims Tribunal is based on proper appreciation of evidence and I concur with the finding arrived at by the Claims Tribunal. I do not find any force in the two appeals and the same are, therefore, dismissed. However, the parties are left to bear their own costs.