

(2013) 01 RAJ CK 0094

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 443 of 2004 and Civil Miscellaneous Stay Application No. 484 of 2004

National Insurance Co. Ltd. and Another

APPELLANT

Vs

Shri Satya Narain and Others

RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0094

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : Raj Sharma, for the Appellant; J.P. Gupta, for the Respondent

Final Decision : Dismissed

Judgement

Mahesh Chandra Sharma, J.—This appeal has been filed against the judgment and award passed by MACT. Brief facts of the case are that on 18.9.1998, the claimant respondent no. 1 along-with his family members was going from Kekri to Kishangarh in a car bearing no. RRG-9246. The non claimant-respondent no. 2 was driving the car, when it collided with Trailer No. HR 38 5221 parked on the road side and as a result of which the claimant suffered injuries and his left hand was amputated.

2. Thereafter claim petition was filed, notices were issued, issues were framed, evidence was recorded and after hearing both the sides, the learned Tribunal decreed an amount of Rs. 2,81,700/- in favour of claimant and against the non claimants.

3. The Insurance Company has filed the aforesaid appeal challenging quantum of compensation.

4. Learned counsel for the Insurance Company contended that the finding of the learned tribunal regarding issue no. 1 holding the driver of the car sole negligent is not just and proper and evidence available on record. It was an inevitable accident and no negligence can be attributed on the part of the driver. He further

submits that the finding of the learned Tribunal regarding issue no. 2 holding the Insurance company liable to pay unreasonable and excessive amount of compensation to the claimant in absence of any material on record to support the income of the claimant is wholly arbitrary, illegal and erroneous. Thus, the impugned award is liable to be quashed and set-aside.

5. E converso, the learned counsel for the respondents defended the impugned award and stated the same to be just and apposite.

6. I have heard learned counsel for the parties and carefully perused the impugned award including the relevant material on record.

7. In my considered view, the impugned award is found not to have suffered from any legal flaw, rather it is found to be just and apposite, based on cogent finding, with which I fully concur.

8. For the reasons stated, I do not find any ground to interfere in the impugned award passed by the learned Tribunal and the appeal filed by the appellants being bereft of any merit deserves to be dismissed, which stands dismissed accordingly. Stay application also stands dismissed.