

(2013) 01 RAJ CK 0093

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 117 of 2004, Civil Miscellaneous Stay Application No. 118 of 2004 and Civil Cross Objection No. 34 of 2007

National Insurance Co. Ltd. and Another APPELLANT

Vs

Smt. Gyarshi Devi and Others RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0093

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : Tej Prakash Sharma, for Insurance Co, for the Appellant; Shreya Gaharana, Counsel for Claimants and Ms. Sangeeta Vashistha, Counsel for Owner and Driver of the Offending Vehicle, for the Respondent

Final Decision : Dismissed

Judgement

Mahesh Chandra Sharma, J.—Since this appeal and cross objections have been filed against one judgment and award passed by MACT, hence the arguments have been heard together and they are being decided by this common judgment. Brief facts of the case are that on 24.11.1999 Mr. Sawarmal was sitting in a Mini Truck No. RJ-230-1078 and he was coming from Molasur via Sikar to Lakshmangarh after selling the soap. At about 6.00 PM, when the truck had reached near Badadhar, another Bus No. RJ-14P-5121 coming from opposite side being driven by its driver rashly and negligently, as a result of which the said bus hit in front of Mini Truck and due to the collusion in between two vehicles Mr. Ramakant sustained injuries, whereas deceased Sawarmal and Subhash Chand got serious injuries and succumbed to injuries.

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. 2,30,400/- in favour of claimants and against the non claimants.

3. The Insurance Company has filed the aforesaid appeal challenging quantum of compensation, whereas the claimants have filed the cross objections for enhancement of compensation.

4. Learned counsel for the Insurance Company contended that the learned Tribunal has committed a grave error in not considering the objections raised by the company properly. Hence, the impugned award deserves to be quashed and set-aside.

5. E Converso, the learned counsel for the claimants contended that the learned Tribunal awarded a very meager amount of compensation, hence the quantum of compensation needs to be enhanced and the impugned award deserves to be modified.

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

7. 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 and the cross objections filed by the claimants being bereft of any merit deserve to be dismissed, which stands dismissed accordingly. Stay application also stands dismissed.