
(2016) 01 SHI CK 0094
In the High Court Of Himachal Pradesh
Case No : FAO No. 343 of 2009

National Insurance Company

APPELLANT

Vs

Smt. Kamla

RESPONDENT

Date of Decision : 08-01-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 149, 166

Citation : (2016) ILRHP 365

Hon'ble Judges : Mr. Mansoor Ahmad Mir, CJ.

Bench : Single Bench

Advocate : Mr. Jagdish Thakur, Advocate, for the Appellant; Nemo, for the Respondent Nos. 1 to 5; Stands deleted, for the Respondent No. 6

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, C.J. (Oral)—The insurer has questioned the award dated 12th January, 2009, made by the Motor Accident Claims Tribunal, Kinnaur at Rampur Bushahr (hereinafter referred to as "the Tribunal") in M.A.C. Petition No. 4 of 2007, titled Smt. Kamla Devi & others v. Sh. Lal Chand & others, whereby compensation to the tune of Rs. 5,33,400/- with interest @ 9% per annum from the date of filing of the claim petition till its realization, was awarded in favour of the claimants-respondents No. 1 to 4 herein and the insurer came to be saddled with liability (for short, "the impugned award").

2. The claimants, insured-owner and driver have not questioned the impugned award, on any count. Thus, it has attained finality, so far it relates to them.

3. Learned Counsel for the appellant-insurer argued that the Tribunal has fallen in an error in directing it to satisfy the award and recovering the same from the owner/insured. The insured/owner was to be directed to satisfy the same.

4. The argument of the learned Counsel is not tenable for the following reason.

5. The aim and object of granting compensation, is social one, is to be granted,

as early as possible, in order to save claimants from social evils. The rights of the third party cannot be defeated, even if the owner-insured has committed a wilful breach.

6. Having said so, the Tribunal has rightly directed the appellant/insurer to satisfy the award, with right of recovery.

7. Accordingly, the impugned award is upheld and the appeal is dismissed.

8. The Registry is directed to release the entire amount in favour of the claimants, strictly in terms of the conditions contained in the impugned award, through payees account cheque or by depositing in their account(s).

9. Send down the records after placing a copy of the judgment on the Tribunal's file.