
(2016) 01 SHI CK 0086
In the High Court Of Himachal Pradesh
Case No : FAO No. 399 of 2009

National Insurance Company Limited	APPELLANT
Vs	
Atul Bhatia	RESPONDENT

Date of Decision : 08-01-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2016) ILRHP 350

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

Bench : Single Bench

Advocate : Mr. Lalit K. Sharma, Advocate, for the Appellant; Nemo, for the Respondents

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, C.J. (Oral)—Subject matter of this appeal is the judgment and award, dated 20.11.2008, made by the Motor Accident Claims Tribunal, Kinnaur Civil Division at Rampur Bushahr, H.P. (for short "the Tribunal") in M.A.C. Case No. 42 of 2006, titled as Sh. Atul Bhatia v. Sh. Dharam Dutt and others, whereby compensation to the tune of Rs. 1,15,847/- with interest @ 9% per annum from the date of the claim petition till its realisation came to be awarded in favour of the claimant-injured and the insurer was saddled with liability (for short "the impugned award").

2. The claimant-injured, the owner-insured and the driver of the offending vehicle have not questioned the impugned award on any count, thus, has attained finality so far it relates to them.

3. It is unfortunate that the claimant-injured has not questioned the impugned award on the ground of adequacy of compensation.

4. Learned counsel for the appellant-insurer has questioned the impugned award only on the ground of adequacy of compensation, which ground is not available to the appellant-insurer.

5. I have gone through the assessment made by the Tribunal in paras 11 to 19 of the impugned award, which appears to be prima facie correct. Had the claimant-injured questioned the adequacy of compensation, this Court may have exercised its jurisdiction to enhance the same.
6. Having said so, the impugned award is upheld and the appeal is dismissed.
7. Registry is directed to release the awarded amount in favour of the claimant-injured strictly as per the terms and conditions contained in the impugned award through payee's account cheque or by depositing the same to his bank account.
8. Send down the record after placing copy of the judgment on Tribunal's file.