

(2005) 11 RAJ CK 0001
In the Rajasthan High Court

New India Assurance Company Ltd.

APPELLANT

Vs

Madan Lal Sharma and Others

RESPONDENT

Date of Decision : 11-11-2005

Acts Referred:

Citation : (2006) 1 ACC 529

Hon'ble Judges : K.S. Rathore, J

Bench : Single Bench

Judgement

K.S. Rathore, J.—The present controversy is fully covered by judgment rendered by Hon''ble Supreme Court in Case of National Insurance Co. Ltd. Vs. Baljit Kaur and Others, wherein Hon''ble Supreme Court directed the insurer to satisfy the awarded amount and recover the same from the owner of the vehicle simply by initiating a proceeding before the Executing Court without filing a separate suit. The same view has been taken by the Division Bench of this Court while considering the judgment in the case of New India Assurance Co., Shimla Vs. Kamla and Others etc. etc., and held that the appellant Assurance Company will be entitled to recover the awarded amount from the owner/driver.

2. In view of the ratio decided by Hon''ble Supreme Court and this Court, the appellant-Insurance Company is entitled to recover the amount of award from the owner of the vehicle by initiating the proceedings before the Executing Court in the same proceedings. The amount awarded by the Claim Tribunal be disbursed according to the terms and conditions of the award dated 2.6.2001 passed by the MACT, Kota.

Accordingly, the Misc. appeal stands disposed of.