

(2019) 04 SHI CK 0043

In the High Court Of Himachal Pradesh

Case No : First Appeal From Order No. 339 Of 2018

Reliance General Insurance Co. Ltd

APPELLANT

Vs

Veena Rana And Others

RESPONDENT

Date of Decision : 30-04-2019

Acts Referred:

Citation : (2019) 04 SHI CK 0043

Hon'ble Judges : Sureshwar Thakur, J

Bench : Single Bench

Advocate : Chandan Goel, Virender Singh Rathour, Imran Khan

Final Decision : Dismissed

Judgement

Sureshwar Thakur, J

1. The instant appeal stands directed, against the impugned award, pronounced by the Learned Motor Accident Claims Tribunal-(II), Kangra at Dharamshala, wherethrough the learned Tribunal, adjudged hence, compensation amount, comprised in a sum of Rs. 22,23,740/- along with interest at the rate of 9% per annum, commencing from the date of filing of the petition, till its, realization, vis-à-vis, the dependants of the deceased. The apposite indemnificatory liability thereof, was fastened upon the insurer of the vehicle.

2. The learned counsel for the appellant has contended, that, the computation, as made by the learned Tribunal, of, the per-mensem salary of the deceased, and, comprised in a sum of Rs. 15,000/-, being not founded, upon, any appropriate therewith evidence, (i) however the afore submission is meritless, given the afore factum rather being proven by the employer, of the deceased, upon, his stepping into the witness box. Furthermore, the additions meted thereto, in a 25 percentum, and, working towards future hikes, or future prospects, is, also within the domain of the verdict, pronounced by the Hon'ble Apex Court, in case titled as National Insurance Co. Ltd vs Pranay Sethi and others, reported in 217 ACJ 2700. Also, thereafter, and thereupon, the

computation, of, compensation amount, falls within the domain, of, the verdict, rendered by the Hon'ble Apex Court, in case, titled as Sarla Verma vs. DTC, reported in (2009)6 SCC 12.

2. The learned counsel appearing for the Insurer has also contended, that, the driver of the offending vehicle, at the relevant time, was not possessed, of a valid, and, effective driving license, and, hence the fastening, of, the indemnificatory liability, upon the Insurer, being ingrained with an inherent vice, of, fallacy, and, warranting interference.

3. In making the afore submission, the learned counsel for the Insurer has also depended, upon, Ext. RY, exhibit whereof, underscores an intimation, being purveyed, by the Public Information Officer, DTO, Office, Zunheboto, Nagaland, to one Sanjay Singh, and it carries echoing(s) qua the driving license held, by the driver of the offending vehicle, not being found, to be entered, in the records of the RTO, (i) however, any reliance as placed thereon, is grossly unfounded, as neither Sanjay Singh stepped into the witness box, to prove the requisite information, as embodied in Ext. RY, (ii) nor the author of Ext. RY, stepped into the witness box, for proving the afore intimation, embodied therein, (iii) in sequel, and, preponderantly with the best evidence, for rather proving the afore factum, and comprised, in, elicitation, by the Insurer, from the records of the RTO concerned, vis-à-vis, the driving license concerned, held, at the relevant time, by the driver concerned, rather remaining unadduced, (iv) thereupon, the effect of the afore omission, is, qua the findings recorded vis-à-vis, the validity, of, the driving license, rather warranting no interference.

4. Consequently, there is no merit in the appeal, and the same is dismissed. All pending application(s), if any, are also disposed of.