

(2016) 12 RAJ CK 0047
In the Rajasthan High Court
Case No : Civil Misc. Appeal No. 835 of 2016

Reliance General Insurance Company Limited	APPELLANT
Vs	
Hari Dutt Sharma	RESPONDENT

Date of Decision : 01-12-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 149, Section 166

Citation : (2017) 1 WLN 363

Hon'ble Judges : Mr. Mahesh Chandra Sharma, J.

Bench : Single Bench

Advocate : Mr. Prakash Thakuriya, Advocate, for the respondents; Mr. Rizwan Ahmed, Advocate, for the Insurance company

Final Decision : Dismissed

Judgement

Mr. Mahesh Chandra Sharma, J. - This appeal have been filed against the impugned judgment and award passed by the Judge, MACT.

2. Brief facts of the case are that with regard to the accident, a claim petition was filed on behalf of the claimant/s claiming compensation as mentioned wherein.

3. Notices were issued to the opposite parties. Reply to the claim petition was filed and the learned Tribunal framed the issues. After hearing all the parties, the learned Tribunal passed the aforesaid impugned award. Against the impugned award, the insurance company has preferred the instant appeal for the relief as prayed for.

4. Learned counsel for the insurance company has contended that the learned Tribunal has failed to appreciate each and every aspect of the matter as also the evidence available on record. The award passed by the learned Tribunal is illegal, and contrary to the facts of the case. Hence impugned award deserves to be set aside.

5. On the other hand, learned counsel for the claimants has defended the impugned judgment and award and stated the same to be just and proper.

6. I have heard learned counsel for the parties and perused the impugned judgment and award. I am in agreement with the findings arrived at by the learned Tribunal on issue no.3 which is reproduced as under:

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chek dEiuh ds lq;ksx; fo}ku vfHkHkk"kd Jh vkuUnc/kZu vxzoky dk rdZ jgk gS fd nq?kZVuk okgu Vcsjk la[;k Mh0,y0 5 lh0bZ0 0481 ls gksuk crk;k x;k gS rFkk oDr nq?kZVuk vizkFkhZ la[;k 2 dks mDr okgu ij pkyd gksuk crk;k gS] ijUrq i=koyh ij miyC/k okgu pkyd ds M~kbZfoax ykbZlsal dh izekf.kr izfr viBuh; gS] ftlds laca/k esa chek dEiuh ds vf/koDrk }kjk okgu ekfyd dks jftLV~MZ uksfVI fn;k x;k] tks izn"kZ ,u0,0 2 jgk gS] ftldh jlhn izn"kZ ,u0,0 3 o 4 jgh gS] ysfdu uksfVI izkfIr gksus ds cktwn chek /kkjh ds }kjk okgu pkyd dss M~kbZfoax ykbZlsal dh iBuh; izfr miyC/k ugha djokbZ xbZ] ftls Li"V gS fd n`?kZVuk ds oDr vizkFkhZ la[;k&2 okgu pkyd ds ekl rFkdfFkr okgu Vcsjk dks pykus dk oS| ,oa izHkkoh M~kbZfoax ykbZlsal ugha Fkk] ,slh fLFkr esa chek ikWfylh dh "krksZa dk Li"V mYya?ku gksus ds dkj.k chek dEiuh mDr nq?kZVuk ds fy, fEesnkj ugha gSA

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7. Looking to the facts and circumstances of the case and the findings arrived at by learned Tribunal as quoted herein above, the learned Tribunal is found to have dealt with each and every aspect of the matter, and has rightly passed the impugned judgment and award. I am in unison with the findings arrived at by the learned Tribunal. Hence, I do not think it just and proper to interfere with the impugned award passed by the Tribunal, and thus the appeal filed by the Insurance Co. is hereby dismissed after confirming the judgment and award passed by the learned Tribunal.