

(2016) 06 SHI CK 0097

In the High Court Of Himachal Pradesh

Case No : FAO (MVA) No. 184 of 2010.

Sh. Devi Singh - Appellant @HASH Smt. Reeta Devi and Others

Date of Decision : 17-06-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 149

Citation : (2016) 3 HimLR 1856 : (2016) ILRHP 1960

Hon'ble Judges : Mansoor Ahmad Mir, CJ.

Bench : Single Bench

Advocate : Mr. H.C. Sharma, Advocate, for the Appellant; Mr. Vaibhav Tanwar, Advocate, for the Respondent No. 1; Mr. V.S. Chauhan, Advocate, for the Respondent No. 5; Deleted, for the Respondent Nos. 2 to 4

Final Decision : Dismissed

Judgement

Mr. Mansoor Ahmad Mir, C.J.(Oral) - This appeal is directed against the judgment and award dated 23.12.2009, made by the Motor Accident Claims Tribunal, Fast Track Court, Shimla, H.P. in MAC No. 1-S/2 of 2008, titled Sh. Devi Singh v. Smt. Reeta Devi and others, for short "the Tribunal", whereby compensation to the tune of Rs. 1,91,000/- along with interest @ 9% per annum, came to be awarded in favour of the claimant, hereinafter referred to as "the impugned award", for short.

2. Owner driver and insurer have not questioned the impugned award on any ground, has attained the finality, so far as it relates to them.

3. The claimant has questioned the impugned award on the ground that the impugned award is inadequate and the Tribunal has fallen in an error in saddling the owner with the liability and discharging the insurer from the liability. The argument though attractive, is devoid of any force.

4. This Court in FAO No. 220 of 2010 titled Smt. Kanta Devi and another v. Smt. Rita Devi and others decided on 29th April, 2016, arising out of the same accident, held that the claimant cannot file appeal for discharging the insured from the liability. The said judgment has attained finality. Thus, the appeal, so far

as it relates to saddling the insurer with the liability, merits to be dismissed.

5. The Tribunal has rightly awarded the compensation and made the discussion in paras 24 to 26 of the impugned award. The impugned award is well reasoned needs no interference. The amount awarded cannot be said to be inadequate rather adequate. Thus, the second argument advanced by the learned counsel or the appellant is also rejected.

6. Having said, the appeal is dismissed and the impugned award is upheld.

7. The Registry is directed to release the awarded amount in favour of the claimant, through payees' cheque account or by depositing the same in her bank account, strictly in terms of the conditions contained in the impugned award.

8. Send down the record forthwith, after placing a copy of this judgment.