
(2016) 01 SHI CK 0004
In the High Court Of Himachal Pradesh
Case No : FAO No. 316 of 2009

Sh. Jeet Ram

APPELLANT

Vs

Kanta Devi & another

RESPONDENT

Date of Decision : 08-01-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2016) AAC 658 : (2016) ILRHP 335

Hon'ble Judges : Mansoor Ahmad Mir, CJ.

Bench : Single Bench

Advocate : Mr. Jagdish Thakur, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, CJ. (Oral)- This appeal is directed against award dated 6th January, 2009, made by the Motor Accident Claims Tribunal-II, Shimla, H.P. (hereinafter referred to as "the Tribunal") in M.A.C. Petition No. 7-S/2 of 2007, titled Shri Jeet Ram v. Smt. Kanta Devi and another, whereby compensation to the tune of Rs. 3,00,000/- with interest @ 9% per annum from the date of filing of the claim petition till its realisation, was awarded in favour of the claimant-appellant herein and the owner-insured came to be saddled with liability (for short, "the impugned award").

2. The insurer and insured-owner have not questioned the impugned award, on any count. Thus, it has attained finality, so far it relates to them.

3. The claimant has questioned the impugned award on the following two grounds:

(i) The Tribunal has fallen in an error in saddling the owner with liability;

(ii) the amount of compensation is meager.

4. Both the grounds are not tenable for the following reasons.

5. The owner has not questioned the impugned award. How can it lie in the mouth of the claimant that the Tribunal has fallen in an error in saddling the insured-owner with the liability. Thus, the argument of the learned Counsel is turned down.
6. I have gone through the impugned award. The Tribunal has rightly assessed the compensation and made discussion in paras 27 to 29 of the impugned award. The findings returned by the Tribunal are legally correct, need no interference.
7. Accordingly, the impugned award is upheld and the appeal is dismissed.
8. Send down the records after placing a copy of the judgment on the Tribunal's file.