
(2013) 02 RAJ CK 0034

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 1429 of 2007

The National Insurance Co. Ltd.

APPELLANT

Vs

Smt. Rampyari and Others

RESPONDENT

Date of Decision : 06-02-2013

Acts Referred:

Citation : (2013) 02 RAJ CK 0034

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : R.P. Vijay, for the Ins. Co, for the Appellant; Amit Singh Shekhawat Counsel for the Mr. S.K. Singodiya, for the Respondent

Final Decision : Partly Allowed

Judgement

Mahesh Chandra Sharma, J.—Since all the aforesaid appeals arise out of one judgment and award passed by MACT, hence the arguments have been heard together and they are being decided by this common judgment. At the very outset, learned counsel for the Insurance Co. submits that the learned Tribunal while passing the impugned award has not taken into consideration the objections which he has raised by way of the aforesaid appeals. The finding of the learned Tribunal on issue no. 3 is contrary to the material available on record. Thus, the impugned award passed by the learned Tribunal qua issue no. 3 be quashed and set aside and the matter be remanded to the learned Tribunal with the direction to decide the matter afresh qua issue no. 3 in the light of objections which he has raised by way of the aforesaid appeals.

2. E. Converso, the learned counsel for the respondents defended the impugned award and stated the same to be just and apposite.

3. I have heard learned counsel for the parties and carefully perused the relevant material on record including the impugned award.

4. In my considered view, the learned Tribunal while passing the impugned award has not gone through the facts of the case and passed the impugned

award surreptitiously. Thus, the impugned award passed by the learned Tribunal needs interference by this Court.

5. In the result, all the aforesaid appeals are partly allowed and the impugned award dated 15.11.2006 passed by Motor Accident Claims Tribunal, qua issue no. 3 is quashed and set aside with the direction to the learned Tribunal to decide the matter afresh as early as possible, qua issue no. 3 in the light of grounds raised by the learned counsel for the appellant in the aforesaid appeals and the judgments to be cited by learned counsel for the parties, if any, after issuing notice to all the concerned parties and giving opportunity of hearing to them. Both the parties are directed to appear before the learned Tribunal on 21.5.2013.