
(2009) 05 DEL CK 0330
In the Delhi High Court
Case No : MAC. APP. 242 of 2009

United India Insurance Co. Ltd.	Vs	APPELLANT
Karan Singh and Others		RESPONDENT

Date of Decision : 20-05-2009

Acts Referred:

Motor Vehicles Act, 1988 — Section 170

Citation : (2009) 05 DEL CK 0330

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : A.K. De, Rajesh and Udit Kumar Chaturvedi, for the Appellant;
Purnima Maheshwari, for R-1 to 5, for the Respondent

Final Decision : Dismissed

Judgement

J.R. Midha, J.—The appellant has challenged the award of the learned Tribunal whereby the compensation of Rs. 9,89,000/- has been awarded to the claimants.

2. The appellant has challenged the quantum of compensation awarded to the claimants. However, there is no permission u/s 170 of the Motor Vehicles Act from the learned Tribunal.

3. It is well settled that the Insurance Company cannot challenge the quantum of compensation without permission u/s 170 of the Motor Vehicles Act. Reference in this regard be made to the judgments by the Hon''ble Supreme Court in the cases of National Insurance Co. Ltd., Chandigarh Vs. Nicolletta Rohtagi and Others, and Shankarayya and Another Vs. United India Insurance Co. Ltd. and Another, where the Hon''ble Supreme Court has clearly held that in the absence of defence as envisaged u/s 170 of the Motor Vehicles Act being taken over by the insurance company, the appeal filed by the insurance company cannot be maintained.

4. Notwithstanding the permission u/s 170 of the Motor Vehicles Act, the amount awarded by the learned Tribunal is just, fair and reasonable.

5. For all the aforesaid reasons, the appeal is dismissed. No costs.

6. Copy of this order be given "Dasti" to learned Counsel for the parties under signatures of Court Master.