
(2009) 05 DEL CK 0412
In the Delhi High Court
Case No : FAO No. 218 of 2002

United India Insurance Co. Ltd.

APPELLANT

Vs

Master Ashish Wadhwa and Others

RESPONDENT

Date of Decision : 15-05-2009

Acts Referred:

Motor Vehicles Act, 1988 — Section 170

Citation : (2009) 05 DEL CK 0412

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

Bench : Single Bench

Advocate : Anand Vardhan Sharma and Vishnu Mehra, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

J.R. Midha, J.—The appellant has challenged the common award passed by the learned Tribunal whereby three separate claim petitions were decided.

2. The accident dated 6th April, 1993 resulted in the death of Syam Sunder Wadhwa and his wife, Kamlesh Wadhwa and injuries to their daughter baby Pooja Wadhwa who were travelling in the car which was hit by a Tanker bearing No. DEL 3153. Three separate claim petitions were filed before the learned Tribunal. The learned Tribunal awarded Rs. 4 lacs in respect of death of Syam Sunder Wadhwa; Rs. 3.5 lacs in respect of the death of Kamlesh Wadhwa; and Rs. 5.50 lacs in respect of injuries suffered by baby Pooja Wadhwa.

3. The appellant has challenged the common award whereby three claim petitions were decided. One single appeal is not maintainable to challenge the award passed in three separate claim petitions and, therefore, the appeal is not maintainable on this ground.

4. The appellant has challenged the quantum of compensation awarded in the aforesaid three claim petitions. The learned Counsel for the appellant admits that the appellant does not have permission u/s 170 of the Motor Vehicles Act from

the learned Tribunal. 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 may be made to the judgment of the Hon"ble Supreme court in the case of National Insurance Co. Ltd., Chandigarh Vs. Nicolletta Rohtagi and Others, and Shankarayya and Another Vs. United India Insurance Co. Ltd. and Another, . This appeal is, therefore, not maintainable.

5. Notwithstanding the bar of Section 170 of the Motor Vehicles Act as well as the non-maintainability of one appeal against three separate claim petitions, the compensation awarded by the learned Tribunal is just, fair and reasonable and, therefore, no case is made out even on merits.

6. For all the aforesaid reasons, the appeal is dismissed.