

National Insurance Co. Ltd. Vs Karamjit Kaur and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Oct. 26, 2009

Acts Referred: Motor Vehicles Act, 1988 " Section 163A

Citation: (2010) 1 RCR(Civil) 660

Hon'ble Judges: Rakesh Kumar Garg, J

Bench: Single Bench

Advocate: Ashwani Talwar, for the Appellant;

Judgement

Rakesh Kumar Garg, J.

CM No.24946-CII of 2009

1. After hearing learned counsel for the appellant, delay of one day in filing this appeal is condoned. Civil Misc.application is disposed of.

2. This is insurer"s appeal challenging the impugned award whereby the claimant/respondent No.1 has been awarded compensation of Rs.2 lacs

on account of death of her 18 years old son, Manjit Singh, caused in a motor vehicular accident involving Indica car No.PB-11-X-9997, being

driven by respondent No.2.

3. The only argument raised by the appellant in this case is that the compensation of Rs.2 lacs awarded by the Tribunal u/s 163A of the Motor

Vehicles Act, 1988 is not as per the structured formula as per Schedule of the Act and, thus, the impugned award is liable to be set aside.

4. There is no merit in this contention as the appellant-insurance company cannot maintain this appeal to challenge the impugned award on the

question of quantum as no such ground/defence is available to the appellant-company as envisaged u/s 149 of the Act.

No other point was raised.

Dismissed.