

(2009) 11 JH CK 0005

Jharkhand High Court

Case No: None

New India Assurance Co. Ltd.

APPELLANT

Vs

Smt. Nebura Bibi and Others

RESPONDENT

Date of Decision: Nov. 4, 2009

Citation: (2011) ACJ 772 : AIR 2010 Jhar 98

Hon'ble Judges: M.Y. Eqbal, J; Jaya Roy, J

Bench: Division Bench

Judgement

I.A. No. 3140 of 2009

1. Heard the counsel for the parties in the limitation matter.
2. There is delay of 57 days in filing the appeal, which has been explained. Hence, the application is allowed and delay in filing the appeal is condoned.
3. The I. A. stands disposed of. M. A. No. 269 of 2008
4. This is an appeal filed by the appellant-Insurance Company challenging the judgment and award passed by the Tribunal whereby a meagre amount of Rs. One lakh for the death of an infant child in a motor vehicle accident has been awarded.
5. Admittedly the vehicle was insured with the Insurance Company. But the defence taken by the Insurance Company is that the vehicle was carrying petroleum product which falls in the class of hazardous goods, so extra premium ought to have been paid by the owner of the vehicle.
6. Admittedly the accident caused the death of a third party and it was mandatory for the Insurance Company to issue at least third party policy.
7. By that as it may, we do not find any reason to enter into all these controversies. The judgment and award passed by the Tribunal needs no interference by this Court. This appeal is dismissed.

8. As prayed by Mr. Jha, learned Counsel appearing for the appellant-Insurance Company the statutory amount is permitted to be withdrawn.