
(1995) 07 DEL CK 0090

Delhi High Court

Case No: None

United India Insurance Co. Ltd

APPELLANT

Vs

Shanti Devi and Others

RESPONDENT

Date of Decision: July 7, 1995

Citation: (1995) 2 ACC 334

Hon'ble Judges: Chander Mohan Nayar, J

Bench: Single Bench

Judgement

C.M. Nayar, J.

The present appeal is directed against the award dated December 12, 1979 of Shri Mahendra Pal, Judge Motor Accident Claims Tribunal , Delhi The respondents claimants filed claim petition u/s 110-A of the Motor Vehicles act, 1939 for grant of compensation of Rs. 50,000/-. The claimants are the widow and children of the deceased Ganga Ram, who was killed in accident on October 29,1969 at about 7 p.m. on Ring Road near Double Storey Military Quarters, near village Naraina, Delhi. The deceased Ganga Ram was riding his horse-cart when respondent No. 2, while driving truck No. DLL-5851 rashly and negligently first struck against the cyclist, going on his wrong side and after causing injuries to the cyclist dashed against horse-cart of Ganga Ram from behind and dragged the deceased as well as the horse-cart to a considerable distance crushing him as well as the horse on the spot. The said respondent was driving the offending truck under the employment and direction of respondent No. 3. Respondent No. 1 despite service did not appear and contest the case.

2. Respondent No. 3 filed written statement taking preliminary objections that the application for compensation was not on proper from and merits dismissal. On merits, he, however, admitted to be the owner of the offending truck and also admitted that the same insured with appellant Insurance Company. The only plea, which has been raised by the appellant-Insurance Company is that the company had entered into the contract of insurance with M/s. R.S. Rana & Sons for insuring the

offending vehicle. The appellant never entered into any contract of insurance with respondent No. 3. Therefore, the appellant cannot be held liable. The learned Judge rejected this plea and held that the owner of the offending truck on the date of accident was respondent No. 3, Sampuran Singh and he was also the insured with the appellant. The quantum of compensation was assessed at Rs. 37,440/- which was held recoverable from the appellants as well as respondents 2 and 3 jointly and severally.

3. The learned Counsel for the appellants has only reiterated the arguments which were raised before the Tribunal. There is no infirmity and illegality in the finding of the Tribunal which is based on appreciation of evidence that the owner of the offending truck on the date of accident was respondent No. 3 and he was the insured with appellant.

4. The appeal, as a consequence, is dismissed. There will be no order as to costs.