



(3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR,
CHHATTISGARH**

cf 158

MISC. APPEAL No. 146 / 2003

**APPELLANT
INSURER**

The National Insurance Co. Ltd.
Through its Branch Manager,
Branch at B/1, Taha Complex,
Priyadarshini Nagar, Bilaspur
(Chhattisgarh)

VERSUS

**RESPONDENTS
CLAIMANTS**

1. Smt. Jaswant Singh Bhagra,
W/o Manindrapal Singh,
aged about 38

2. Prem Deep Singh Bhagra,
S/o Manindrapal singh, aged
about 21 years

Both R/o Mahamaya Road,
Ambikapur, Tehsil : Sarguja,
District Sarguja (Chhattisgarh)

RESPONDENTS

3. Ranjit Singh Tuteja, S/o Shri
J.S.Tuteja, aged about 70
years

4. Ravindra Singh Tuteja, S/o
Shri Sardar Ranjit Singh
Tuteja, aged about 40 years

Both R/o Tej Medical Stores,
Near Bus Stand, Babupara,
Ambikapur, Tehsil & District
Sarguja (Chhattisgarh)

**MISC. APPEAL UNDER SECTION 173 OF THE MOTOR
VEHICLE ACT**

P. R. No. 245/02
Presented by Shri Sanjay K. Agarwal
dated 30.12.02

आदेश पत्रक

मामला क्रमांक M.A. NO. 146 सन् 2003

(25)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>31.3.2003</u></p> <p>Shri Sanjay K. Agrawal with Shri Prateek Sinha, counsel for the appellant.</p> <p>Heard.</p> <p>The appellant has filed this appeal against the award dated 10.10.2002 passed by the IIIrd Additional Motor Accident Claims Tribunal, Ambikapur in Claim Case No.34/2002 granting interim compensation towards no fault liability.</p> <p>Brief facts of the case are that the offending vehicle (Maruti Van) No. MP 027/B4163 was involved in an accident occurred on 14.8.2000 where the husband of claimant/respondent no.1 namely Manindra Pal Singh died. The said vehicle was said to be owned by respondent no.3 and insured by the appellant Company. The claimants filed claim on the ground that the death has taken place because of accident on account of rash and negligent driving.</p> <p>The learned Tribunal by impugned order fastened the liability on Insurance Company and held that the said vehicle was involved in the accident. The tribunal while holding so opined that the legality and the effect of the insurance cover note would be considered at the time of final hearing and also held that the liability is on both the owner and Insurance Company.</p> <p>A perusal of the record shows that it is not disputed that the death has taken place as a result of motor accident. No fault liability has been fixed on both the owner as well as the Insurance</p>	

[पीछे देखिये]

आदेश पत्रक

M.A No. 146

मामला क्रमांक सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
<p>20</p> <p>5</p> <p>12</p> <p>Rao</p>	<p>Company. There is no infirmity in the impugned order warranting interference by this Court.</p> <p>However, having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice will be served if a direction is given that the owner to furnish an indemnity bond to the effect that in case it is held that the Insurance Company is not liable then the owner will indemnify.</p> <p>The Claims Tribunal shall also consider the questions raised while deciding the case on merits and will pass appropriate orders regarding restitution from the owner in case such an eventuality arises.</p> <p>The amount so deposited under no fault liability be allowed to be withdrawn by the claimants on furnishing security.</p> <p>It is, however, made clear that the Claims Tribunal shall decide the case and ^{determine} institute the liability on its own merits in accordance with law without being influenced by the findings recorded herein.</p> <p>The appeal is accordingly disposed of.</p> <p>Accordingly, M.C.P.No.272/2003 and I.A. No.1656/03 stand disposed of.</p> <p>Certified copy as per rules.</p>	<p>Sd/- Fakhruddin Judge</p>

[पीछे देखिये]