

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

**FAO (MVA) No. 559 of 2008.
Date of decision: 31st July 2015.**

<i>National Insurance Company Ltd.</i>	<i>.....Appellant.</i>
<i>Versus</i>	
<i>Smt. Nibha Sharma and others</i>	<i>...Respondents</i>

Coram:
The Hon'ble Mr. Justice Mansoor Ahmad Mir, Chief Justice.

Whether approved for reporting ?¹ Yes.

<i>For the appellant:</i>	<i>Mr. Jagdish Thakur, Advocate.</i>
<i>For the respondents:</i>	<i>Mr. Harsh Khanna, Advocate, for respondent No.1. Mr. Manoj Thakur, Advocate, for respondents No. 2 and 3.</i>

Mansoor Ahmad Mir, Chief Justice *(Oral)*

The insurer has questioned the judgment and award dated 22.7.2008, made by the Motor Accident Claims Tribunal (Forest), Shimla in MAC Case No. 85-S/2 of 2006, titled *Smt. Nibha Sharma versus Shri Rajinder Kumar and others*, whereby compensation to the tune of Rs.50,000/- with 9% interest was awarded in favour of the claimant and insurer/appellant herein came to be saddled with the liability, hereinafter referred to as “the impugned award”, for short, on the grounds taken in the memo of appeal.

¹ *Whether the reporters of Local Papers may be allowed to see the judgment ?.*

2. The claim petition was outcome of accident in which claimant, namely, Nibha Sharma, sustained injuries and sought compensation as per break-ups given in the claim petition.

3. I wonder why the insurance company has filed the appeal against a meager amount of compensation. It appears that the insurer has questioned the impugned award on the ground that the driver was not having a valid and effective driver license. Records do disclose that the driver was having a valid and effective driving license to drive the offending vehicle at the time of accident.

4. Having said so, the impugned award is upheld and the appeal is dismissed, alongwith pending applications, if any.

5. Registry is directed to release the amount in favour of the claimant strictly, in terms of the conditions contained in the impugned award, through payee's cheque account.

6. Send down the record, forthwith, after placing a copy of this judgment.

July 31, 2015,
(cm Thakur)

(Mansoor Ahmad Mir)
Chief Justice.