

National Insurance Co. Ltd vs Savitri Devi And Ors on 5 January, 2004

Equivalent citations: AIRONLINE 2004 SC 551

Bench: V. N. Khare, D.M. Dharmadhikari, S.B. Sinha

CASE NO.:

Special Leave Petition (civil) 171 of 2004

PETITIONER:

NATIONAL INSURANCE CO. LTD.

RESPONDENT:

SAVITRI DEVI AND ORS.

DATE OF JUDGMENT: 05/01/2004

BENCH:

V. N. KHARE, CJ & D.M. DHARMADHIKARI & S.B. SINHA

JUDGMENT:

JUDGMENT 2004(1) SCR 178 The Judgment of the Court was delivered This Special Leave Petition is directed against a judgment and order dated 7.10.2002 passed by the High Court of Punjab and Haryana at Chandigarh whereby and whereunder the appeal filed by the petitioner herein questioning an award made by Motor Accident Claims Tribunal, Ambala was dismissed. The High Court passed the said order on the ground that the Petitioner has been permitted to recover the amount from the owner of the offending vehicle. On a perusal of the award impugned before the learned Tribunal it appears that a finding of fact has been arrived at that the vehicle in question was driven by the first respondent without valid and effective licence as on the date of the accident. While answering issue No. 3 that as to whether insurance company is not liable to make any payment of compensation on account of the preliminary objections taken by it in its written statement, the learned Tribunal observed that although the Petitioner is liable to pay compensation to the claimant, it may recover the same from the owner of the offending vehicle.

Having regard to the facts and circumstances of this case, we do not find any merit in this petition and is dismissed. No costs.