

Binda Devi Vs. United Insurance Company Ltd. and ors.

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Court : Jharkhand

Decided On : Jul-30-2007

Reported in : [2008(0)JCR743(Jhr)]

Judge : M.Y. Eqbal and; D.G.R. Patnaik, JJ.

Appellant : Binda Devi

Respondent : United Insurance Company Ltd. and ors.

Judgement :

ORDER

1. Heard the learned Counsel for the parties.
2. This appeal by the claimant appellant has been filed for enhancement of the compensation awarded by the Tribunal in M.V. Claim Case No. 05 of 87/08 of 2003.
3. The fact of the case is that on 20.10.1984, the deceased was going to his house from a grocery shop and as soon as he came to the road, a truck bearing Registration No. BRY 2928 coming in a very high speed dashed the deceased as a result of which he died. The appellant claimed Rs. 1.20 lakhs as compensation. The Tribunal has taken a very erroneous view that the liability of the insurance company is to the extent of rupees fifty thousand only and therefore awarded the said amount as compensation.

4. According to the learned Counsel for the appellant, the appellant is entitled to get compensation of Rs. 1.20 lakh as claimed in the claim application and the insurance company is liable to pay the entire amount.

5. Having regard to the fact that the minimum liability of the insurance company is up to rupees to 1.50 lakh, the amount of compensation awarded by the Tribunal is enhanced to Rs. 1.20 lakh (rupees on lakh and twenty thousand) as claimed by the appellant. The amount will carry interest as awarded by the Tribunal. The insurance company will pay the amount by cheque to the claimant in the Lok Adalat to be held in the High Court premises on 4th August, 2007.

6. This appeal is disposed of.

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