2025:PHHC:047996

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Reserved on : 21.03.2025
Pronounced on : 08.04.2025

FAO-1325-2017 (O&M)

THE NEW INDIA ASSURANCE CO. LTD. …. Appellant

V/S

CHARU SHARMA AND ORS. …. Respondents

AND

FAO-4799-2017 (O&M)

CHARU SHARMA …. Appellant

V/S

RAM KUMAR AND ORS. …. Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vinod Gupta, Advocate
for the appellant in FAO-1325-2017
and respondent No.3 in FAO-4799-2017.

Mr. Ashwani Arora, Advocate and
Mr. Vipul Sharma, Advocate
for respondent No.1 in FAO-1325-2017
and for the appellant in FAO-4799-2017.

None for respondent No.2 in FAO-1325-2017 and
none for respondent No.1 in FAO-4799-2017.

Mr. Suneel Ranga, DAG Haryana
for respondent No.3 in FAO-1325-2017
and for respondent No.2 in FAO-4799-2017.

ALKA SARIN, J.

1. The present order shall dispose off the above noted two appeals being FAO-1325-2017 preferred by the Insurance Company, namely, The New India Assurance Company Ltd. and FAO-4799-2017 preferred by the claimant, namely, Charu Sharma, challenging the award dated 23.11.2016 passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal'). The parties are being referred to as the Insurance Company, the claimant and the owner and the driver of the offending vehicle for the sake of clarity.

2. Brief facts relevant to the present *lis* are that the claimant - Charu Sharma - who was aged about 25 years at the time of the accident and had been appointed as a Law Researcher in the Punjab and Haryana High Court at a monthly emolument of ₹30,000 (rupees thirty thousand) met with an accident on 20.09.2013 at about 12:00 pm near Light Point, Sector-20 Chandigarh. The case as set up in the claim petition was that on 20.09.2013 the claimant was coming from Sector-37 to Sector-20 on her Activa Scooty bearing registration No.CH-04-E-2878 after getting herself enrolled with the Bar Council of Punjab and Haryana, Sector-37, Chandigarh. When she reached near the Labour Chowk, she stopped her Activa Scooty at a red-light signal at the roundabout of Sectors 20, 21, 33, and 34. When the signal turned green and as soon as she was about to proceed, her Activa Scooty was hit from behind and the claimant lost her balance and fell on the road along with the Activa Scooty. Meanwhile, the offending bus bearing registration No.HR-45-B-1874 came from behind, which was being driven rashly and

negligently and ran over the claimant along with her Activa Scooty. It was further averred that the claimant was dragged along with her Activa Scooty for a distance of about 100 meters. On seeing this, the people around raised a hue and cry. On seeing this, the bus driver stopped however, the claimant had by then sustained serious injuries and had lost her consciousness. The driver of the bus fled. It was averred that the accident took place due to the composite negligence of the driver of the offending vehicle as the bus was being driven in a rash and negligent manner.

3. On notice, the driver of the bus filed his written statement raising various preliminary objections regarding maintainability of the claim petition, cause of action and denied that the offending bus bearing registration No.HR-45-B-1874 was ever involved in the accident. He also denied any personal knowledge of the accident and stated that the claimant was at fault as she was driving the Activa Scooty rashly and negligently and she was hit by another vehicle. General Manager, Haryana Roadways, the owner of the offending vehicle, raised preliminary objections regarding the claimant not having approached the Court with clean hands and having concealed true and material facts. It was further the stand taken that the claimant had stated before the Police, while lodging FIR No.549 dated 24.09.2013, that there was no negligence on the part of the driver. Since it was stated that there was no negligence on the part of the driver, the claimant was not entitled to any compensation. On merits the facts regarding the occurrence of the accident were denied for want of knowledge. The Insurance Company also filed its written statement raising various

preliminary objections regarding the claim petition being vague, incomplete and not disclosing any cause of action. The factum of the accident was denied. It was further averred that the driver was not driving the said vehicle and was not having a valid licence. The vehicle also did not have a fitness certificate, route permit, registration certificate, insurance policy etc.

4. On the basis of the pleadings of the parties the following issues were framed :

1. Whether claimant received injuries in a motor vehicular accident which was caused due to rash and negligent driving of bus No.HR-45-B-1874 which was being driven by respondent No.1 ? OPP

2. Whether the claimant is entitled to compensation on account of injuries received by her in a motor vehicular accident, if so to what extent and from whom ? OPP

3. Whether respondent No.1 was not having a valid driving licence at the time of the accident? OPR3

4. Whether respondent No.1 was not having valid fitness certificate, RC, route permit and insurance policy at the time of the accident ? OPR3

5. Relief.

5. The Tribunal, on the basis of the evidence led by the parties, held that the accident had taken place due to the rash and negligent driving of the driver of the offending vehicle. The Tribunal awarded the following compensation to the claimant :

Sr. No.	**Heads of claim**	**Amount awarded**
1.	Medical expenses	₹18,820
2.	Loss of income past and future	(₹2,55,000 + ₹21,60,000) = ₹24,15,000
3.	Loss of amenities	₹50,000
4.	Pain and sufferings	₹1,00,000
5.	Better diet	₹1,00,000
6.	Attendant	₹48,000
7.	Loss of better opportunity for matrimonial match	₹2,00,000
8.	Suffering of financial loss for procuring four-wheeler	₹1,00,000
Total		**₹30,31,820**
Interest		**@ 6% p.a. if paid within two months and if not paid within two months, penal interest @ 12% p.a. would be applicable.**

Aggrieved by the same, both the Insurance Company as well as the claimant have filed FAO-1325-2017 and FAO-4799-2017 respectively.

6. The learned counsel for the Insurance Company would contend that the author of the FIR in the present case was the claimant herself and in the FIR registered on 24.09.2013 (Ex.P-5) it had specifically been stated that there was no fault of the driver of the bus. It is further the contention that even in the DDR (Ex.R-2) it was not stated that the bus was at fault. The

learned counsel would further contend that since the FIR was being relied upon for proving the accident, the contents of the FIR ought to have been looked into as the same was recorded on the statement of the claimant herself and once it was stated in the FIR that the driver of the offending bus was not at fault, the claim petition could not have been allowed in favour of the claimant. It is further the contention of the learned counsel for the Insurance Company that in the absence of having impleaded the driver and the owner of the vehicle which is stated to have hit the Activa Scooty of the claimant causing her to fall, the Tribunal erred in holding the Insurance Company liable. Learned counsel has also challenged the award on the quantum of compensation awarded. Learned counsel states that the claimant had not suffered any functional disability and therefore the amount awarded is excessive. It is further the contention that the liability of a new four-wheeler vehicle has also been imposed on the insurance company.

7. *Per contra*, the learned counsel for the claimant has contended that in case the evidence before the Tribunal runs contrary to the contents of the FIR, in such a case the evidence recorded by the Tribunal has to be given weightage over the FIR. It is further the contention that in the present case the claimant had stepped into the witness box and had led cogent evidence that the driver of the offending vehicle had come from behind and the bus drove over the claimant and that she was dragged for about 100 meters resulting in grievous injuries. It was further contended that during the cross examination, no suggestion was given to the claimant that the bus did not come from behind and was standing at the red light. Learned counsel has

further pointed out that the bus was taken to the Police Station from the place of occurrence and was released on *sapurdari*. Learned counsel relied upon the judgments of the Hon'ble Supreme Court in the cases of **National Insurance Company Limited V/s Chamundeswari & Ors. [2021 ACJ 2558 (SC)]**, **Halappa V/s Malik Sab [2018 (1) RCR (Civil) 279]** and **Ramamurthy V/s National Insurance Co. Limited [Civil Appeal No.4612-2017 decided on 30.03.2017]** in support of his argument. Learned counsel for the claimant further contended that since it was a case of composite negligence, the claimant was at liberty to sue any or all of the tortfeasors and that her claim cannot be rejected merely on the ground that one of the tortfeasors was not impleaded as a party. It is further the contention that since it was a case of composite negligence, non-impleading of the owner and the driver of the vehicle, which initially hit the Activa Scooty of the claimant, would not be fatal. In support of his argument, the learned counsel relied upon the judgments of the Hon'ble Supreme Court in **Pawan Kumar & Anr. V/s M/s Harikishan Dass Mohan Lal & Ors. [2014 (2) RCR (Civil) 764]** and **Khenyei V/s New India Assurance Company & Ors. [2015 (9) SCC 273]**. On quantum, the learned counsel for the claimant relied upon the judgments of the Hon'ble Supreme Court in the cases of **Abhimanyu Partap Singh V/s Namita Sekhon & Anr. [2022 ACJ 1995]**, **Hari Om V/s National Insurance Company Ltd. & Ors. [2023 ACJ 595]** and **Erudhaya Priya V/s State Express Transport Corporation Ltd. [2020 ACJ 2159]** on the proposition that despite continuing in the job after the accident, yet the claimants were awarded loss

of future income. Learned counsel has further contended that the amounts awarded under the head loss of amenities, loss of marriage prospects and pain and suffering are also on the lower side.

8. Heard counsel for the parties and perused the record.

9. The argument of the learned counsel for the Insurance Company that there is a different version given by the claimant herself in the FIR and in the claim petition and hence the claim petition ought to have been rejected cannot be accepted. The Hon'ble Supreme Court in the case of **Chamundeswari** (supra) which was a case where there were three occupants of the car which had met with an accident. One of the passengers had died and the other two passengers were injured. In the said case also the witness, who was also an injured, had given the statement before the Police and had also appeared before the Tribunal. Their Lordships, while holding that the weightage has to be given to the evidence recorded before the Tribunal over the contents of the FIR, held as under :

> *'8. It is clear from the evidence on record of PW-1 as well as PW-3 that the Eicher van which was going in front of the car, has taken a sudden right turn without giving any signal or indicator. The evidence of PW-1 & PW-3 is categorical and in absence of any rebuttal evidence by examining the driver of Eicher van, the High Court has rightly held that the accident occurred only due to the negligence of the driver of Eicher van. It is to be noted that PW-1 herself travelled in the very car and*

PW-3, who has given statement before the police, was examined as eye-witness. In view of such evidence on record, there is no reason to give weightage to the contents of the First Information Report. If any evidence before the Tribunal runs contrary to the contents in the First Information Report, the evidence which is recorded before the Tribunal has to be given weightage over the contents of the First Information Report. In the judgment, relied on by the appellant's counsel in the case of Oriental Insurance Company Limited v. Premlata Shukla and Others, 2007 (13) SCC 476, this Court has held that proof of rashness and negligence on the part of the driver of the vehicle, is therefore, sine qua non for maintaining an application under Section 166 of the Act. In the said judgment, it is held that the factum of an accident could also be proved from the First Information Report. In the judgment in the case of Nishan Singh and Others v. Oriental Insurance Company Limited, 2018 (6) SCC 765, this Court has held, on facts, that the car of the appellant therein, which crashed into truck which was proceeding in front of the same, was driven negligently by not maintaining sufficient distance as contemplated under Road Regulations, framed under Motor Vehicles Act, 1988. Whether driver of the vehicle was negligent or not,

> *there cannot be any straitjacket formula. Each case is judged having regard to facts of the case and evidence on record. Having regard to evidence in the present case on hand, we are of the view that both the judgments relied on by the learned counsel for the appellant, would not render any assistance in support of his case'.*

Similar view was taken in the case of **Halappa** (supra) which reads as under :

> *'……The High Court has proceeded to reverse the finding of the Tribunal purely on the basis that the FIR which was lodged on the complaint of the appellant contained a version which was at variance with the evidence which emerged before the Tribunal. The Tribunal had noted the admission of RW1 in the course of his cross-examination that the insurer had maintained a separate file in respect of the accident. The insurer did not produce either the file or the report of the investigator in the case. Moreover, no independent witness was produced by the insurer to displace the version of the incident as deposed to by the appellant and by PW 3. The cogent analysis of the evidence by the Tribunal has been displaced by the High Court without considering material aspects of the evidence on the record. The High Court was not justified in holding that*

> *the Tribunal had arrived at a finding of fact without applying its mind to the documents produced by the claimant or that it had casually entered a finding of fact. On the contrary, we find that the reversal of the finding by the High Court was without considering the material aspects of the evidence which justifiably weighed with the Tribunal. We are, therefore, of the view that the finding of the High Court is manifestly erroneous and that the finding of fact by the Tribunal was correct'.*

Further in the case of **Ramamurthy** (supra) it was held as under :

> *'9. The High Court, in appeal, took into account the F.I.R. filed by the injured pedestrian (Ramesh), on which reliance was placed by the claimant to prove the accident. While relying on the said F.I.R., the High Court took the view that as the appellant-claimant himself has relied on the F.I.R., the entire version of the F.I.R. must be accepted. Inasmuch as in the F.I.R. filed by the injured pedestrian (Ramesh) rash and negligent driving was alleged against the appellant-claimant, the High Court took the view that the appellant-claimant had admitted the contents of the F.I.R., including the allegation of rash and negligent driving contained therein.*

> *10. We fail to see as to how the High Court could come to the aforesaid conclusion and/or placed reliance on the F.I.R. as a substantive piece of evidence. The facts discussed by the learned Tribunal in coming to its conclusion, as noted above, were also not adverted to by the High Court in the impugned order'.*

Though it was stated by the claimant that the driver was not at fault however before the Tribunal a categoric statement was made by her that while she was waiting at the red light, she was hit from behind by a vehicle which resulted in her falling along with her Activa Scooty and the bus came from behind, which was being driven in a rash and negligent manner, and drove over the claimant dragging her to quite an extent and stopping only when the passersby made a hue and cry. The injured had appeared as PW-1 before the Tribunal and had tendered her evidence by way of an affidavit (Ex.PW-1/A). Nothing could be elicited in the cross examination from the said witness to even remotely suggest that the accident did not occur in the manner as stated in the claim petition. The driver, in the present case, had filed a separate written statement in which he clearly denied the factum of the accident however in his cross examination, while appearing as RW-1, he admitted the factum of the accident. It has also come in his cross examination that the DDR (Ex.R-2) was written by the Police on 21.09.2023 in the Police Station in the presence of the driver and further admitted that at the time of the lodging of the DDR, the claimant herself was not present at the Police Station. Strangely, the DDR, which according to the

driver was lodged at the Police Station a day after the incident, bears the signature of the claimant whose right arm came under the tyre of the offending bus. The law on this point is well settled, as noticed above, that in case of any variance in the contents of the FIR and in the evidence led before the Tribunal, weightage has to be given to the evidence led before the Tribunal. The learned counsel for the Insurance Company has not been able to point out to any evidence on the record to show that the accident did not take place in the manner as suggested except for heavily relying upon the version in the DDR and the FIR. In view of the above, the argument of the learned counsel for the Insurance Company that the claim petition ought to have been dismissed, in view of the variation in the stand taken before the Tribunal and in the FIR, is rejected.

10. The second argument of the learned counsel for the Insurance Company that since the driver and the owner of the vehicle, which was alleged to have hit the Activa Scooty of the claimant resulting in her falling down, was not impleaded as a party and hence the claim petition was bad for mis-joinder and non-joinder of necessary parties also deserves to be rejected. The Hon'ble Supreme Court, while dealing with the distinction between the principles of composite and contributing negligence, in the case of **Pawan Kumar** (supra) held as under :

> *'6. The distinction between the principles of composite and contributory negligence has been dealt with in Winfield & Jolowicz on Tort (Chapter 21) (15th Edition,*

1998). It would be appropriate to notice the following passage from the said work :

> *"WHERE two or more people by their independent breaches of duty to the plaintiff cause him to suffer distinct injuries, no special rules are required, for each tortfeasor is liable for the damage which he caused and only for that damage. Where, however, two or more breaches of duty by different persons cause the plaintiff to suffer a single injury the position is more complicated. The law in such a case is that the plaintiff is entitled to sue all or any of them for the full amount of his loss, and each is said to be jointly and severally liable for it. This means that special rules are necessary to deal with the possibilities of successive actions in respect of that loss and of claims for contribution or indemnity by one tortfeasor against the others. It is greatly to the plaintiff's advantage to show that that he has suffered the same, indivisible harm at the hands of a number of defendants for he thereby avoids the risk, inherent in cases where there are different injuries, of finding that one defendant is insolvent (or uninsured) and being unable to execute judgment against him. The same picture is*

not, of course, so attractive from the point of view of the solvent defendant, who may end up carrying full responsibility for a loss in the causing of which he played only a partial, even secondary role.

…….

The question of whether there is one injury can be a difficult one. The simplest case is that of two virtually simultaneous acts of negligence, as where two drivers behave negligently and collide, injuring a passenger in one of the cars or a pedestrian, but there is no requirement that the acts be simultaneous. .....'

Further in the case of **Khenyei** (supra) it was held as under :

'…… What emerges from the aforesaid discussion is as follows :

(i) In the case of composite negligence, plaintiff/claimant is entitled to sue both or any one of the joint tortfeasors and to recover the entire compensation as liability of joint tortfeasors is joint and several.

ii) In the case of composite negligence, apportionment of compensation between two tortfeasors vis-a-vis the plaintiff/claimant is not

> *permissible. He can recover at his option whole damages from any of them.*
>
> *(iii) In case all the joint tortfeasors have been impleaded and evidence is sufficient, it is open to the court/tribunal to determine inter se extent of composite negligence of the drivers. However, determination of the extent of negligence between the joint tortfeasors is only for the purpose of their inter se liability so that one may recover the sum from the other after making whole of payment to the plaintiff/claimant to the extent it has satisfied the liability of the other. In case both of them have been impleaded and the apportionment/extent of their negligence has been determined by the court/tribunal, in main case one joint tort feasor can recover the amount from the other in the execution proceedings'.*

It is trite that in a case of composite negligence, the claimant is at liberty to sue any or both the tortfeasors. In the present case the claimant, who was standing at the red light, was initially hit by a vehicle resulting in her falling down. The offending bus, which was being driven in a rash and negligent manner, came from behind and drove over the injured claimant resulting in grievous injuries. Both were independent breaches of duty to the plaintiff as both were negligent. There were two breaches of duty by two

different persons resulting in injury to the claimant. The claimant in the present case was entitled to sue all or any of them for the full amount of her loss and each would be jointly and severally liable for the same. Hence, the non-impleadment of the driver or the owner of the other vehicle would not entail dismissal of the claim petition since it was a case of composite negligence.

11. The third argument of the learned counsel for the Insurance Company is qua quantum of compensation awarded. It had been contended by the learned counsel that since no functional disability was suffered by the claimant, therefore, neither multiplier method could have been applied, nor future prospects could have been added. It has further been contended that an amount of ₹1,00,000 (rupees one lakh) had been awarded towards financial loss for procuring a four-wheeler also could not have been fastened on the Insurance Company.

12. In the present case the claimant had filed an application being CM-3415-CII-2021 in FAO-4799-2017 to bring on record a fresh disability certificate issued by the Postgraduate Institute of Medical Education and Research, Chandigarh (PGIMER, Chandigarh) which shows that the claimant had suffered Locomotor disability of the right upper limb to the extent of 29% and that the disability was not likely to improve. PW-4, Dr. Parmod Kumar, Associate Professor, Department of Plastic Surgery, PGIMER, Chandigarh had stepped into the witness box and had stated that the claimant had suffered 33% disability (which has now been reduced to 29%) and that she had a crush injury with a right elbow joint and there was

significant disability pertaining to the right elbow joint. It was further stated that she would have problem in tying her collar button and waist string and that she would have problem in doing over head activities. It had specifically been stated that the disability was functional disability. The said witness further stated that due to the injuries there was a decrease sensation in the ring and little finger and grip strength will be less as compared to the normal hand. Hence, it cannot be said that the disability suffered by the claimant-appellant is not a functional disability.

13. The Hon'ble the Supreme Court in the case of **Pappu Deo Yadav vs. Naresh Kumar & Ors. [2020 (4) RCR (Civil) 404]** has held as under :

> *"12. In view of the above decisive rulings of this court, the High Court clearly erred in holding that compensation for loss of future prospects could not be awarded. In addition to loss of future earnings (based on a determination of the income at the time of accident), the appellant is also entitled to compensation for loss of future prospects, @ 40% (following the Pranay Sethi principle).*
>
> *13. The factual narrative discloses that the appellant, a 20-year-old data entry operator (who had studied up to 12th standard) incurred permanent disability, i.e. loss of his right hand (which was amputated). The disability was assessed to be 89%. However, the tribunal and the High*

Court re-assessed the disability to be only 45%, on the assumption that the assessment for compensation was to be on a different basis, as the injury entailed loss of only one arm. This approach, in the opinion of this court, is completely mechanical and entirely ignores realities. Whilst it is true that assessment of injury of one limb or to one part may not entail permanent injury to the whole body, the inquiry which the court has to conduct is the resultant loss which the injury entails to the earning or income generating capacity of the claimant. Thus, loss of one leg to someone carrying on a vocation such as driving or something that entails walking or constant mobility, results in severe income generating impairment or its extinguishment altogether. Likewise, for one involved in a job like a carpenter or hairdresser, or machinist, and an experienced one at that, loss of an arm, (more so a functional arm) leads to near extinction of income generation. If the age of the victim is beyond 40, the scope of rehabilitation too diminishes. These individual factors are of crucial importance which are to be borne in mind while determining the extent of permanent disablement, for the purpose of assessment of loss of earning capacity."

Keeping in view the additional evidence now led by the claimant herself, her disability is assessed as 29%. It has further come on the record that the salary of the claimant, at the time of the accident, was ₹32,000 (rupees thirty-two thousand) and she was 25 years of age at that time. Accordingly, her income is assessed as ₹32,000 (rupees thirty-two thousand) per month which comes to ₹3,84,000 annually (₹32,000 x 12) which was subject to deduction of income tax prevailing at the time of the accident. The income tax for the relevant assessment year was as under :

'Upto ₹2,00,000 – Nil

₹2,00,000 to ₹ 5,00,000 – 10 per cent'

Accordingly, on the income above ₹2,00,000 (rupees two lakh), income tax @ 10% is required to be deducted, which comes to ₹18,400. Thereby the annual income of the claimant-appellant comes out to be ₹3,65,600 (₹3,84,000 - ₹18,400 income tax). A multiplier of '17' would be applicable in the present case instead of '16' and the claimant would be entitled to addition of 40% towards future prospects instead of 50%.

14. Learned counsel for the claimant had contended that the amount awarded under the heads loss of amenities and pain and suffering are on the lower side. The said argument deserves to be accepted. In view thereof, the amount of ₹1,00,000 awarded under the head pain and suffering is enhanced to ₹2,00,000 and the amount of ₹50,000 awarded towards loss of amenities is enhanced to ₹1,00,000. The amounts awarded under the heads attendant charges of ₹48,000; medical expenses of ₹18,820; better diet of ₹1,00,000 and better opportunity for matrimonial match of ₹2,00,000, are maintained.

There is no justification for awarding ₹1,00,000 under the head suffering of financial loss for procuring a four-wheeler and accordingly the claimant is held not entitled for the same. However, the claimant is entitled to ₹25,000 towards transportation charges.

15. Accordingly, the reworked compensation, to which the claimant is entitled to, is as under :

Sr. No.	**Heads of claim**	**Amount awarded**
1.	Monthly salary	₹32,000
2.	Annual salary	[₹32,000 x 12] = ₹3,84,000
3.	Less income tax	[₹3,84,000 - ₹18,400] = ₹3,65,600
4.	Loss of income due to disability @29%	[₹3,65,600 x 29%] = ₹1,06,024
5.	Future prospects @40%	[₹1,06,024 + ₹42,410] = ₹1,48,434
6.	Multiplier '17'	[₹1,48,434 x 17] = ₹25,23,378
7.	Medical expenses	₹18,820
8.	Better diet	₹1,00,000
9.	Attendant	₹48,000
10.	Loss of amenities	₹1,00,000
11.	Pain and sufferings	₹2,00,000
12.	Loss of better opportunity for matrimonial match	₹2,00,000
13.	Transportation	₹25,000
Total		**₹32,15,198**

16. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the present appeal till the realization of the entire amount.

17. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the claimant within a period of six weeks from today. The particulars of the bank account along with the requisite documents in support thereof shall be furnished by the claimant to the Insurance company within a period of two weeks from today and needful shall be done by the Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

18. In view of the above discussion, the award passed by the Tribunal is modified accordingly and both the appeals being FAO-1325-2017 filed by the Insurance Company and the appeal being FAO-4799-2017 filed by the claimant are disposed off. Pending applications, if any, also stand disposed off.

08.04.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No