HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No.495 of 2018

The United India Insurance Company Ltd. .....Appellant

Versus

Ganga Ram and others .....Respondents

Present:- Mr. D.C.S. Rawat, Advocate for the appellant.
None for respondents.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and award dated 28.09.2018, passed in Motor Accident Claim Petition No.29 of 2017, Ganga Ram and others Vs. Kamal Singh and others, by the Motor Accident Claims Tribunal/District Judge, Pithoragarh, by which, the appellant has been directed to pay compensation along with interest @ 6% per annum to the respondent nos.1 and 2 ("the claimants").

2. Heard learned counsel for the parties and perused the record.

3. The respondent nos.1, 2, 3 and 4 filed the claim petition under Sections 140/166 of The Motor Vehicles Act, 1988 on the ground that on 06.06.2016, deceased Bhuwan Prasad was travelling in a vehicle bearing Registration No.UK05TA 1756 ("the vehicle") at 12:20 at Khidkhirya Tok Bachkot, it met with an accident, due to which, Bhuwan Prasad died. Objections were filed and by the impugned judgment and order the respondent nos.1 and 2, the claimants were awarded compensation along with interest. One of the objections that were taken by the appellant is

that at the time of incident the vehicle was being driven by Pushkar Singh and not by the respondent no.6 Balwant Kumar. To that effect, issue no.3 was framed, which is as follows:-

> "3. Whether at the time of accident, the vehicle in question bearing Registration No.UK05TA 1756 was being driven by Pushkar Singh and not by opposite party no.2 Balwant Kumar? If yes, its effect."

4. On this issue, after discussing the evidence, the court concluded that at the time of accident the vehicle was being driven by Balwant Kumar.

5. Learned counsel for the appellant submits that the main challenge in the impugned judgment was on the ground that at the time of accident, the vehicle was being driven by Pushkar Singh and not by Balwant Kumar. He submits that this contention of the Insurance Company has been denied by this Court, in an appeal arising out of the same accident in AO No.93 of 2020, the United India Insurance Company Ltd. Vs. Smt. Tulsi Devi and others ("the appeal"). He has rendered the judgment dated 25.09.2025, in which in para nos.6 and 7, this Court has observed as follows:-

> "6. The Insurance Company has taken a special plea in this regard that Balwant Singh was not driving the vehicle and Pushkar Singh was driving the vehicle and issue no.3 was framed in this regard, which was decided on the basis of the statement of Sri Sunil Kumar, who was the witness, but, the appellant/Insurance Company failed to adduce any evidence in support of the statement made by Sri Sunil Kumar.
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> 7. Thus, this Court does not find any reason to interfere with the impugned judgment and award dated 08.11.2019 passed by learned Motor Accident Claim Tribunal/District Judge, Pithoragarh in Motor Accident Claim Petition No.10 of 2019."

6. Since the claim of the appellant that the vehicle was not being driven by Balwant Kumar at the time of accident has not been accepted by this Court in the appeal. There is no reason to take a contrary view. Therefore, this Court is of the view that the instant appeal also deserves to be dismissed.

7. The appeal is dismissed accordingly.

(Ravindra Maithani, J.)
04.06.2026

Sanjay

SANJAY KANOJIA

Digitally signed by SANJAY KANOJIA
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