

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**FAO No. 1555 of 2012**  
**Date of Decision : 02.12.2015**

Reliance General Insurance Co. Ltd. ....Appellant

Versus

Suresh Kumar and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Arun Sharma, Advocate  
for Mr. Tejinder K. Joshi, Advocate  
for the appellant-Insurance Company.

Mr. Vijay Sangwan, Advocate  
for respondent no. 1.

**Surinder Gupta, J. (Oral)**

This appeal has been filed against award dated 09.12.2011 whereby Motor Accident Claims Tribunal, Narnaul (later referred to as 'the Tribunal') allowed compensation of ₹ 3,07,957/- to the claimant for injuries suffered by him in a motor accident with vehicle bearing No. HR-66-5100 (later referred to as 'the offending vehicle').

2. Case of the claimant, in brief, is that on 15.11.2009, he alongwith Daya Ram was going to village Bijoli from village Dhani on motorcycle bearing No. RJ-18-DC-1435. The claimant was driving the motorcycle and Daya Ram was the pillion rider. At about 03.00 p.m., when they reached near Dhadhot turning point, the offending vehicle came from side of village Satnali and was being driven in a rash and negligent manner by respondent no. 2-Suresh Kumar. It hit the motorcycle of claimant, as a result of which he sustained injuries.

3. In the written statement, respondent no. 2 denied

knowledge about the accident while respondent no. 3-owner of the offending vehicle denied the accident.

4. Appellant-Reliance General Insurance Co. Ltd. took the plea in written statement that the petition has been filed in collusion with respondents no. 2 and 3.

5. The details facts are not being discussed as only challenge put-forth to the award by learned counsel for the appellant-Insurance Company is that FIR relating to the accident was lodged after 2½ months of the accident, which shows collusion of claimant-respondent no. 1 and respondents no. 2 and 3.

6. Learned counsel for the appellant argues that matter was not reported to the police immediately after the accident, which shows that the offending vehicle was not involved in the accident and later on in collusion with owner and driver of the offending vehicle entire story regarding accident has been concocted.

7. The Tribunal has dealt with this argument in para 11 of the award which reads as follows:-

*“11. In the case in hand, the delay in lodging of the FIR Ex. PW2/A has been itself explained in the FIR i.e. the delay is on the ground that the compromise has fallen between the parties. The aforesaid stand of the petitioner in the FIR cannot be doubted because the petitioner has pleaded that after the accident, respondent no. 1 stopped the vehicle and told him his name and address.*

*Therefore, the identity of the respondent no. 1 being the driver of the offending vehicle was within the knowledge of the petitioner. The MLR Ex. PW1/A of the petitioner is of the same date, on which the accident took place, also duly states that the petitioner suffered injuries in a road side accident. Therefore, the arguments of the respondent no. 3 counsel that the entire petitioner version about the accident is concocted is untenable and delay in lodging of the FIR is not at all fatal to the petitioner's case.*

8. No doubt there is delay in lodging the matter to the police through FIR No. 4 registered on 01.02.2010. However, the claimant immediately after the accident was taken to the Government Hospital, Mahendergarh where his medical examination was conducted by PW-1 Dr. Suresh Chand. In FIR reason for the delay in reporting the matter to police was specifically mentioned stating therein that talks of compromise were going on with driver of the offending vehicle but did not materialize, as such, the matter was not reported immediately after the accident. While appearing as PW-3 the claimant has stated that respondents no. 2 and 3 kept him engaged in talks of compromise but ultimately refused to settle the matter as a result of which he lodged FIR with the police on 01.02.2010.

9. The driver or owner of the offending vehicle were not examined to contradict the version as given by the claimant and the appellant had not produced any evidence to rebut the

contention/statement of claimant on oath. The mere fact that there is delay in lodging the FIR is no ground to doubt the entire story as put-forth by the claimant. Reference in this regard can be made to the observation of Apex Court in case **Ravi vs. Badrinarayan and others, 2011 ACJ 911.**

10. In view of above discussion, I find no legal or factual infirmity in observation of the Tribunal declining the argument of the appellant-Insurance Company that version of the claimant should be disbelieved on the ground of delay in lodging the FIR. No other point has been argued.

11. The instant appeal has no merits and the same is dismissed.

**December 02, 2015**  
jk

**( SURINDER GUPTA)**  
**JUDGE**