

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

1. **FAO No.3438 of 2015 (O&M)**  
**Date of Decision: May 15, 2015**

**Reliance General Insurance Company Ltd. .... Appellant**

**vs.**

**Joginder Singh and others .... Respondents**

2. **FAO No.3439 of 2015 (O&M)**  
**Date of Decision: May 15, 2015**

**Reliance General Insurance Company Ltd. .... Appellant**

**vs.**

**Mahipal through LR's and others .... Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:** Mr. Nitin Mittal, Advocate for  
Mr. Subhash Goyal, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh J.(Oral)**

This order of mine shall dispose of two appeals i.e. FAO Nos.3438 and 3439 of 2015 filed by the Insurance Company, arisen out of the same Award.

The Insurance Company has filed the aforesaid appeals against the Award dated 11.12.2014 passed by the Motor Accident Claims Tribunal, Jhajjar (in short 'the Tribunal').

The only contention of learned counsel for the appellant is that on 15.04.2011, Joginder Singh along with two other persons was triple riding the motorcycle bearing registration No.HR-15A-4459 when the accident took place. Therefore, there was a contributory negligence on the part of the motorcyclist also.

A perusal of the facts shows that Joginder Singh was going to Jhajjar from village Dawla side along with two other persons on the motorcycle on the way they stopped at brick-kiln on Jhajjar-Subana Road. When they were about 1 k.m. away from Kasauli Road Bypass, Jhajjar, a TATA-207 Pick Up bearing registration No.UA-08F-9932 came from Jhajjar side at a high speed driven in rash and negligent manner dashed against the motorcycle.

As a result of the said accident, two of the motorcyclists died and one was injured. The Tribunal came to the findings that the accident took place due to rash and negligent driving of the TATA-207. The mere fact that the victims were triple riding the motorcycle, no presumption can be drawn that there was a contributory negligence on their part unless there is some material evidence on file to show that because of the triple riding the motorcycle, the motorcyclist could not control the motorcycle. There is no such evidence that motorcyclist could not control the motorcycle. It was a village road, where the traffic was not heavy and one can easily control his vehicle.

It being so, the plea of contributory negligence was rightly discarded by the Tribunal. No other argument has been raised.

Thus, I do not find any merit in the aforesaid appeals. The same are accordingly dismissed.

**May 15, 2015**  
sarita

**(KULDIP SINGH)**  
**JUDGE**