

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

FAO No.4007 of 2015 (O&M)

Date of decision : 30.10.2015

Oriental Insurance Company Limited

... Appellant

VS

Mohinder Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashish Yadav, Advocates, for the appellant.

Rajesh Bindal, J.

The Insurance Company is in appeal against the award passed by the Motor Accidents Claims Tribunal, Panchkula (for short, 'the Tribunal').

The accident in the case in hand occurred on 1.5.2011 at about 12.40 p.m. when Mohinder Singh along with his friends Ajay Singh and Ranjit Singh was going to his house on motor cycle bearing registration no.CH01AF-8657. A Zipsy bearing registration No. HR68-5559, which was being driven by respondent no.2- Mukesh, hit the motor-cycle. As a result of the accident, claimant Mohinder Singh suffered serious injuries on his head, right leg as well as on other parts of the body. The learned Tribunal awarded the claimants a sum of ₹ 1,47,957/-, along with interest @ 7% per annum from the date of filing the petition till realization of the amount.

The impugned award of the Tribunal is sought to be challenged on the ground that the negligence and rash driving of the vehicle involved in the accident, against whom compensation has been sought, was not proved, as initially in the DDR it was claimed that the motor-cycle on which the claimant Mohinder Singh and his friends Ajay Singh and Ranjit Singh were riding, slipped. However, after one month thereof, FIR was got registered. The delay in the process clearly belies the case set up by the claimant. Hence, the insurance company has been wrongly held to be liable to pay the compensation. In support of the arguments, reliance was placed upon Iqbal

Kaur and others vs Dayal Singh and others 2012(5) RCR (Civil) 461, Sunheri Devi and others vs Sewa Singh and another 2014(3) PLR 258, Jaswinder Singh vs Balwant Singh and Others 2014(4) RCR (Civil) 55, and Pawan Gag vs Balraj Singh and others 2015 AAC 1103.

After hearing learned counsel for the appellant, I do not find any reason to interfere with the impugned award for the sole reason that the Zipsy, which hit the motor-cycle of the claimant, is owned by the Director General of Police, Haryana and in that situation it is difficult for any common citizen to see what is mentioned in the DDR as even the cancellation report in the FIR registered by the claimant has been submitted. Merely on that ground, the claim of the claimant cannot be declined.

For the reasons mentioned above, I do not find any reason to interfere with the impugned award. The appeal is accordingly dismissed. Consequently, the accompanying applications are also dismissed.

30.10.2015
vs

(Rajesh Bindal)
Judge