

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

FAO No.1861 of 1998 (O&M)

Date of decision : 23.05.2016

National Insurance Company Ltd.

..Appellant

Versus

Smt. Surjit Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R. M. Suri, Advocate
for the appellant.

Mr. Ishan Cooner, Advocate for
Mr. J. S. Cooner, Advocate
for respondent Nos.2 and 3.

Mr. Jagdeep Singh, Advocate for
Mr. R. S. Mamli, Advocate
for respondent Nos.4 and 5.

JITENDRA CHAUHAN, J. (Oral)

The present appeal has been filed against the impugned award dated 22.04.1998, passed by learned Motor Accidents Claims Tribunal, Ambala (for brevity 'the Tribunal') vide which the claim petition filed by the appellant was partly allowed.

The arguments of the learned counsel for the appellant are that (1) no FIR was lodged; (2) the claim application was instituted on 22.08.1996, whereas the accident took place on 27.08.1995; (3) the

statement of PW2-Balbir Singh was recorded much later and (4) there is no evidence as to the steps taken by the claimants regarding the information of the accident to the police.

On the other hand, the learned counsel appearing for respondent Nos.2 and 3 has vehemently opposed the present appeal and prayed for dismissal of the same.

I have heard the learned counsel for the parties and perused the entire record on file.

As per the post-mortem report, Ex.P2, the deceased, Malkiat Singh died in a road accident. PW2-Balbir Singh, an eye-witness, deposed that the accident was caused due to the rash driving of driver of the tractor bearing registration No.HYC-9330 driven by respondent No.5, Devi Chand. Being an independent witness and a stranger, he had no motive to falsely implicate the driver and the offending tractor. The appellant could place on record some cogent or convincing evidence to show the absence of the said tractor from the spot. However, the appellant did not do so. **It is settled position of law that lodging of FIR is not pre-requisite for claiming compensation.** Therefore, this Court finds no infirmity or perversity in the findings recorded by the learned Tribunal.

Accordingly, the present appeal is dismissed.

The statutory amount deposited by the appellant-Insurance Company be placed at the disposal of the Tribunal for disbursement.

23.05.2016

ashok

(JITENDRA CHAUHAN)
JUDGE