

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

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**FAO No.3441 of 2005 (O&M)
Date of decision-12.02.2016.**

The Oriental Insurance Co. Ltd.	..Appellant
Vs.	
Amar Kaur and others	..Respondents

CORAM:- HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. Vinod Chaudhri, Advocate
for the appellant.

K.KANNAN, J(Oral)

The insurer is in appeal to contend that the liability cast on the injured for the alleged negligence of the driver of the insured car was erroneous when on the proper appreciation the Court should have noticed that the collision of the motorbike happened by motorcyclist suddenly stopping motorcycle to avoid stray dog crossing the road and the motorcyclist himself must have been found to have contributed to the accident. The Tribunal discarded this plea on a reasoning that best evidence was not made available by the insurer by examining the driver of the insured car. The Court applied the principle of '*Res Ipsa Loquitor*' and held that negligence was required to be inferred when the involvement of the vehicle itself was not in dispute.

I find no error for interference. The award is maintained and the appeal is dismissed.

**(K.KANNAN)
JUDGE**

February 12, 2016

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