

986.

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

FAO No.932 of 2010 (O&M)

Date of decision: 19.02.2016

Oriental Insurance Company Limited

... Appellant

versus

Simlo Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjiv Pabbi, Advocate,
for the appellant.

Mr. Ashwani Kumar Bura, Advocate,
for respondents 5 and 6.

K.Kannan, J. (Oral)

1. The Insurance Company is in appeal to challenge the award passed by the Tribunal contesting the manner of death of the passenger in the vehicle. The FIR lodged made recitals of the fact of the driver starting the vehicle even before the passengers had not fully alighted. The Insurance Company had a contention to make that the deceased was travelling on the roof of the bus and fell down and suffered fatal injuries. The hospital to which he had been taken had noted down that he was smelling liquor.

2. The Tribunal rejected the contention that he was travelling on the roof of the bus and preferred the version contained in FIR to be statement given through an Investigator who was a

lawyer. There is nothing inherently wrong about the person taking liquor but the issue is whether he was in such a state which contributed to the accident. There ought to be specific evidence in that regard and I will make no presumption that the person who had consumed liquor was also in a drunken state.

3. The award is sustained and the appeal is dismissed.

(K.KANNAN)
JUDGE

19.02.2016
sanjeev