

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

FAO No. 1883 of 2012 (O&M)
Date of Decision: February 9, 2016

New India Assurance Company Limited

...Appellant

Versus

Paramjit Kaur and others

...Respondents

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

Present: Mr. Ashwani Talwar, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The appeal by the insurer is on the issue of finding of involvement of the insured vehicle. The fallibility in evidence of the claimants, as pointed out by the counsel for the insurer, was that the accident had taken place on 29.3.2010, but the FIR had been lodged only on 3.4.2010 by brother of the deceased. The person claiming to be an eye witness had given a statement nearly a month later on 4.5.2010 as a person who chased the insured vehicle and he had known the identity of the vehicle. The improbability of such evidence was brought before the Tribunal but the Tribunal discarded the same, particularly in view of the fact that the driver of the insured vehicle himself himself did not step into the witness box to deny the accident. I will not find any error in the reasoning by the Tribunal to allow for a claim against the insured vehicle and make the insurer to pay for the compensation assessed.

2. The appeal is dismissed.

February 9, 2016
prem

(K.KANNAN)
JUDGE