

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

F.A.O. No.201 of 2016 (O&M)

Date of Decision : 31.03.2016

Magma HDI General Insurance Co. Ltd.

..... Appellant

versus

Shakuntla and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vishal Aggarwal, Advocate
for the appellant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the insurance company against the award dated 28.09.2015 holding the appellant-insurance company liable for the payment of compensation to the claimants.

Learned counsel for the appellant has argued that the vehicle in question was not involved in the accident. In this connection, the Tribunal has relied upon the statement of PW3 Amit Goel who was the witness. Learned counsel has taken me through the cross-examination of Amit Goel and has stated that his cross-examination does not suggest that he was present at the spot.

In my opinion, the argument of the learned counsel has to be taken with a pinch of salt. The Court below has rightly appreciated the evidence after observing the conduct of the witness and the learned counsel has not been able to persuade me that the finding of the Court below is either based on no evidence or based on the perverted reading of evidence. Consequently, the findings of fact are affirmed.

The appeal is dismissed. The amount of Rs.25,000/- deposited by the appellant be transmitted to the Tribunal for disbursal to the claimants.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 31, 2016

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**(AJAY TEWARI)
JUDGE**