

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

F.A.O. No. 281 of 2016

Date of decision: 15.01.2016

The New India Assurance Company Ltd.

....Appellant

Versus

Smt. Lalita and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. L.M. Suri, Senior Advocate,
with Ms. Rajni Paul for 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 against the award dated 29.09.2015 passed by the Motor Accident Claims Tribunal, Narnaul, on the ground that no accident took place with the vehicle in question.

Brief facts of the case are that on 13.04.2014 Bijender Singh (deceased) along with his brother was coming from village Sujjapur to their village Bass khudana on a tractor. When they reached near Dhaba situated at Narnaul-Rewari Road, an Alto Car bearing No. HR-14H/3958 came from the opposite side and hit the tractor. As a result of the accident Bijender Singh received injuries and he was rushed to the hospital where he succumbed to his injuries. The claim petition was filed by widow and children of the deceased. The Tribunal awarded compensation of Rs. 10,16,200/- along with interest at the rate of 7.5 % per annum.

In this connection, it would be noticed that the Tribunal relied on the testimony of PW2 Ramesh Chand who was an eye-witness. The mere fact that RW1 ASI Ved Parkash had filed an untraced report initially would not lead to the conclusion that a false case had been lodged because

he admitted subsequently that after the submission of untraced report the investigation was reopened and ASI Balwan Singh further investigated the matter who also found that the vehicle involved was being driven by respondent No. 4.

Learned senior counsel has argued that the accident was not proved with the vehicle in question.

Consequently, I regret my inability to agree with the argument that the accident was not proved. The appeal is dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

JANUARY 15, 2016

Parveen Sharma

(AJAY TEWARI)

JUDGE