

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

**F.A.O. No.4452 of 2015 (O&M)
Date of Decision : 01.02.2016**

Reliance General Insurance Company Ltd.

..... Appellant

Versus

Rajesh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sanjeev Kodan, 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 25.05.2015 passed by the Tribunal.

Brief facts of the case are that when the deceased Pankaj Kumar and the injured Manju were going on a motorcycle the offending vehicle Mahindra Max Pick-up being driven rashly hit into the motorcycle causing death of Pankaj and injured the said Manju. The Tribunal primarily relied on the statement of PW1 Kuljit who was an uninterested witness and who saw the accident.

Learned counsel for the appellant has pointed out that PW3

Rakesh is not proved to be present even at the spot and that is why when the

FIR lodged by him the number of vehicle was not given by him.

In my opinion, even if the fact that Rakesh was not present at the spot is accepted yet the statement of Kuljit has not been rebutted and nothing useful has been elicited from his cross-examination.

Learned counsel has further pointed out that the Tribunal has also based its findings after noticing that the vehicle was recovered from the spot which is ex-facie wrong.

To my mind, even if this fact is excluded from consideration it cannot be held that the claimants were not able to discharge the burden of proving that the accident took place with the vehicle in question.

No other argument has been raised by learned counsel for the appellant.

Consequently, the appeal is dismissed.

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

February 01, 2016

ashish

**(AJAY TEWARI)
JUDGE**