

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

FAO-465-2016(O&M)

Date of decision : 22.01.2016

Reliance General Insurance Co. Ltd. Appellant

versus

Bhagwan Sahai & ors 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 against the award dated 02.12.2015 whereby the claimant-respondent No.3 has been awarded an amount of Rs. 5,45, 600/- as compensation on account of the injuries received by him in the accident in question.

Brief facts of the case are that on 03.04.2011 at about 12.30 p.m. Deceased Mukesh along with Bhagwan Sahai-respondent No.1 was coming on motor cycle from Bawal to village Kankar. The motor cycle was being driven by Mukesh and Bhagwan Sahai was riding the pillion. When they were going from NH-8 towards village Sanjhapur, a canter bearing registration No. HR47B-1584 being driven by respondent No.1 in a rash and negligent manner hit the motor cycle as a result of which Mukesh died at the spot and Bhagwan Sahai received multiple grievous injuries. The Tribunal awarded him compensation as stated above along with interest at the rate of 7.5% p.a. from the date of filing of the claim petition till realisation. Against that award the insurance company has come up in appeal.

Learned counsel has argued that the involvement of the vehicle in question was seriously in doubt.

In para 15 of the impugned award it has been held as follows:-

“To counter the argument advanced by learned counsel for contesting respondents, the learned counsel for the petitioners has argued that merely because the driver of the canter was not involved in the criminal case, is no ground to come to the conclusion that he was not at fault. The respondents No 1 and 2 have also not entered the witness box to deny the accident. The claim petition cannot be decided merely on the ground that FIR was not lodged or charge-sheet was not submitted”

I see no reason to take a different view.

The appeal is dismissed.

January 22, 2016
sunita

(AJAY TEWARI)
JUDGE