

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

**C.M. No.1519-CII-2016 in/and
F.A.O. No.503-2016
Date of Decision : 30.03.2016**

The Oriental Insurance Company Limited

..... Appellant

Versus

Shamboo Nath @ Shamboo Thakur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajneesh Malhotra, 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)

CM-1519-CII-2016

This is an application for condoning the delay of 34 days in filing the appeal.

For the reasons recorded, the application is allowed subject to all just exceptions. Delay condoned.

FAO-503-2016

This appeal has been filed against the award dated 18.08.2015 whereby the respondent No.1 has been awarded compensation of Rs.27,563/- alongwith interest @ 6% p.a.

Brief facts as alleged by the respondent No.1 were that on 30.01.2013 he alongwith Satbir Singh was going on his motorcycle and when they reached near Sharma Dhaba, a Tata Sumo came from Panchkula side and hit against the motorcycle. Due to accident, he alongwith pillion rider fell down on the road and suffered serious injuries on their person.

Learned counsel has argued that actually the offending vehicle was insured as a private vehicle whereas at the time of accident the same was being plied for commercial purpose.

The Tribunal noticed that RW-2 and RW-3 did not support the case of the appellant during the trial and since they were star witnesses on the basis of whose testimony this allegation was to be proved, held that the appellant was not able to prove that the vehicle in question was used for commercial purposes.

Learned counsel has not been able to persuade me that this finding does not arise from the evidence.

Consequently, the appeal is dismissed.

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

March 30, 2016

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**(AJAY TEWARI)
JUDGE**