

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

1. **Date of decision: 17.8.2017**
FAO No.2821 of 1996(O&M)

National Insurance Co. Ltd.Appellant

VERSUS

Daya Rani and othersRespondents

2. **FAO No.2822 of 1996(O&M)**

National Insurance Co. Ltd.Appellant

VERSUS

Daya Rani and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Suman Jain, Advocate for the appellant.
Mr. Sunil Saharan, Advocate for respondents No.5 to 9.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2821 and 2822 of 1996 as identical questions of law and facts are involved for adjudication.

The sole submission made by counsel for the appellant is that findings recorded by the Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') on issue No.4 are erroneous and liable to be set aside. To substantiate his contention, it is argued that as Rajiv PW-1 failed to produce any goods receipt/bills as an evidence of his being owner of the goods carried in the alleged offending vehicle, he is to be taken as an unauthorised passenger in a goods carrying vehicle, therefore, the insurance company is not liable to pay compensation.

Counsel representing the respondents, on the contrary, has supported findings of the Tribunal on the said issue with the submission

that there is no requirement in law that the person transporting his goods must be in possession of goods receipt/bills to establish his claim that he was travelling in the vehicle as an owner of the goods.

I have heard counsel for the parties, perused the paper-book particularly the award.

The Tribunal, while recording its findings on issue No.4 has held that the insurance company has not adduced any evidence to prove that Parshotam Dass and Rajiv were unauthorized passengers in the four-wheeler in question. Rajiv reiterated his stand taken up in the petition that he along with his father had hired the four-wheeler for carrying defective goods (shoes) from Hisar to Karnal for replacement and to bring fresh stock from Karnal to Hisar. Further held that there is absolutely nothing in his cross examination that he has made a false statement. Counsel for the appellant has failed to point out any materials brought-forth in cross examination of Rajiv sufficient to discard or disbelieve his testimony. The mere fact that Rajiv and his father did not produce a goods receipt is not sufficient to negate their plea that they were travelling in the vehicle in question being owner of the goods carried therein. In this view of the matter, I do not find any error much less illegality in findings of the Tribunal on issue No.4.

No other point has been raised.

For the foregoing reasons, the appeals fail and are accordingly dismissed. No order as to costs.

AUGUST 17, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no