

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

FAO-2240-2014 (O&M)

Date of decision: 24.1.2017

Shri Ram General Insurance Company Ltd.

...Appellant

Versus

Daljodh Singh @ Daljot Singh and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Arun Sharma, Advocatefor
Mr.TK Joshi, Advocate for the appellant

SNEH PRASHAR, J.

CM-8094-95-CII-2014

The present applications under Section 5 of the Limitation Act have been filed for condonation of delay of 20 days in refiling and 199 days in filing the appeal.

For the reasons enumerated in the applications, the same are allowed and the delay is condoned subject to all just exceptions.

FAO-2240-2014

The present appeal has been filed by the Insurance Company against the award dated 02.05.2013 passed by the learned Motor Accidents Claims Tribunal, Amritsar (in short 'the Tribunal'), vide which the claim petition filed by respondent No.1 for grant of compensation was allowed and compensation to the tune of

Rs.7,29,400/- was awarded on account of death of Smt. Harjinder Kaur, the sister of respondent No.1-claimant in a motor vehicular accident, which took place on 05.07.2011.

The submissions made by Mr.Arun Sharma, Advocate representing the appellant have been considered.

Learned counsel for the appellant – Insurance Company raised two fold arguments (i) claimant Daljodh Singh @ Daljot Singh being brother of a married deceased sister is not entitled for compensation and (ii) route permit was not produced by the owner and the driver of the vehicle in question.

Admittedly, death of Harjinder Kaur occurred due to the injuries suffered by her in a road side accident that took place on 5.7.2011. The parents of the deceased had already died. The claimant being the brother-legal representative of the deceased had filed the claim petition. No doubt in his cross-examination, the claimant deposed that his sister was married, but admittedly no other petition claiming compensation account of her death was filed by any other person. It is also the version of the claimant that the deceased was living with him. It means whatever the deceased could do physically and financially, she was doing for her brother and his family. Her contribution towards the claimant was same as any other female member of the family. Thus, there is no substance in the argument of learned counsel for the appellant that the appellant is not entitled for compensation.

As regard the issue of route permit, it was raised by the appellant- Insurance Company in connected FAO-6056-2013 and the same was declined by this Court vide judgment dated 8.1.2016 on the ground that no evidence was led by the appellant to discharge its burden and to establish that the terms and condition of the insurance policy had been violated by respondent No.2- insured.

In the above premise, the present appeal being devoid of merit is dismissed.

24.1.2017
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No