IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

FAO No.733 of 2013 (O&M)
Date of decision: February 15, 2017

United India Insurance Co. Ltd. ... Appellant

Versus

Leela Devi & others ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. D.P. Gupta, Advocate for the appellant.

None for respondents No.1 & 2.

Mr. Chandandeep Singh, Advocate
for respondents No.3 & 4.

Rajan Gupta, J.

Appellant United India Insurance Company Limited has impugned the award dated 15.10.2012, passed by Motor Accident Claims Tribunal, Ludhiana, whereby compensation has been awarded to the claimants on account of death of Sanjeev Kumar in the accident.

Learned counsel for the appellant submits that claimants had failed to prove any rash and negligent driving of respondent No.4 while driving the truck in question as no eye-witness has been examined by them. He further submits that the tribunal has also granted compensation to the claimants on higher side.

Plea has been opposed by counsel appearing for the respondents No.3 and 4. He submits that the tribunal has rightly allowed the claim petition as it was fully proved that the accident was result of rash and negligent driving of the offending truck and its driver was having a valid driving licence.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Accident occurred on 25.8.2008, wherein Sanjeev Kumar, son of claimant No.1 and brother of claimant No.2 had died. FIR No.166 dated 26.8.2008, under sections 279, 427 and 304-A IPC was registered at Police Station Sahnewal, District Ludhiana against respondent No.3 i.e. driver of the offending truck. A claim petition under Section 166 of the Act was filed by the claimants. In support of their case claimant Leela Devi appeared as PW1 and also examined SI Amar Singh. On appraisal of evidence, the tribunal came to the conclusion that accident was result of rash and negligent driving of driver of the truck, in which Sanjeev Kumar had died. As regards quantum of compensation, the tribunal taking into consideration age of claimants, granted Rs.2,96,000/- i.e. Rs.2,48,000/- to claimant No.1, mother of deceased and Rs.48,000/- to claimant No.2, minor brother of deceased along with interest @ 6% per annum from the date of filing of petition till realization.

There appears to be no apparent error in appraisal of evidence by the tribunal. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The insurance company did not adduce any evidence to prove that driver of the vehicle was not holding a valid driving licence or that the accident was not result of rash and negligent driving of driver of the offending truck. Besides, compensation in this case was deposited by the insurance company on 18.3.2013. Claimants may have withdrawn the amount thereafter without furnishing any security. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

February 15, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No