

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

**FAO No. 4779 of 2017 (O&M)
Date of Decision: July 12, 2017**

United India Insurance Company Ltd.

..Appellant(s)

Versus

Brij Mohan and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Suman Jain, Advocate
for the appellants.

ANITA CHAUDHRY, J.

This appeal is by the insurance company against the award dated 15.03.2017, passed by the Motor Accident Claims Tribunal, Ambala on a limited issue.

Counsel for the appellant urges that a minor was driving the vehicle and the facts had been twisted and the insurance company could not be made liable. It was urged that it was a head on collision and therefore the front portion of the vehicle was damaged and the Tribunal had not appreciated the evidence and it was a case of contributory negligence.

Copy of the written statement has been placed on record and I find that the plea of contributory negligence was taken but there

is no issue or evidence. The site plan that was prepared along with the report under Section 174 Cr.P.C. was placed on record. It does not relate to the site of accident. The statement of ASI Subhash Chander RW-1 is of no help. He had clearly stated in the cross-examination that the vehicle could not have been hit from behind. The Tribunal had dealt with the evidence correctly and had rejected the submission made on behalf of the insurance company. The driver did not step into the witness box to give his account of the accident. The FIR gives the manner in which the accident had occurred and the police had filed a challan against the driver and is facing trial.

There is no infirmity in the award. The appeal is dismissed.

July 12, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No