

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

FAO No.6063 of 2017 (O & M)
Date of decision :18.09.2017

The New India Assurance Co. Ltd.

...Appellant

Versus

Murti Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Singh Sidhu, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM No.19671-C-II of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 19 days in filing the appeal is condoned.

Application is allowed.

Main Case

The New India Assurance Co. Ltd. is in appeal against the award passed by the Motor Accident Claims Tribunal.

Learned counsel for the appellant has submitted that when the accident took place, FIR was registered against the unknown vehicle. He submits that after 4 months a supplementary statement was given wherein vehicle driven by respondent No.7 was named.

It is not in dispute that pursuant to the supplementary statement challan has been presented against respondent No.7.

I have also examined the statement of the eye-witness namely Karan Singh. He has been duly cross-examined by the counsel for the appellant. However, a reading of the cross-examination would show that no

suggestion has been given to the aforesaid witness that there is a collusion

between claimants and respondent Nos.7 and 8. The only suggestion given to him is that respondent No.7 was not rash and negligent. The New India Assurance Co. Ltd. has also not produced any evidence to prove that the offending vehicle was falsely implicated. No evidence was produced by the respondents namely the driver, owner and Insurance company.

In view of the aforesaid discussion, I do not find any good ground to interfere with the award passed by the Motor Accident Claims Tribunal.

Hence, the appeal is dismissed.

18.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned :	Yes
Whether Reportable :	No