

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

FAO No.6454 of 2017 (O&M)
Date of decision : 23.10.2017

National Insurance Company Ltd.

...Appellant

Versus

Krishan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Satpal Dhamija, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.20575-CII of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 26 days in refiling the appeal is condoned.

Application is allowed.

Main Case

Insurance Company is in appeal against the award passed by the Motor Accident Claims Tribunal.

The claimant-Krishan had filed a claim petition under Sections 166 and 140 of the Motor Vehicles Act, 1988 claiming compensation to the tune of ₹50,00,000/- on account of injuries suffered by him in a motor vehicular accident which took place on 07.03.2016. The Motor Accident Claims Tribunal has awarded the compensation of ₹4,58,581/- out of which

₹4,33,581/- is on account of the medical expenses.

Learned counsel for the Insurance Company has submitted that there is a delay of 18 days in registration of the FIR and, therefore, the Tribunal has wrongly held that the accident took place on account of rash and negligent driving of respondent No.1.

I have considered the submission. It is not in dispute that Krishan-claimant suffered serious injuries. He was immediately admitted in Cygnus Hospital, Kurukshetra. It is also not in dispute that the information was sent by the hospital to the police authorities.

No doubt, the First Information Report was filed on 25.03.2016, however, that itself would not prove that the vehicle driven by respondent No.1 has been falsely implicated. The respondents have not led any evidence. Neither the driver has appeared nor owner has appeared in the witness-box. Even the Insurance Company has not produced any evidence apart from a copy of the insurance policy. Taking into consideration the evidence available on the file, the Motor Accident Claims Tribunal has awarded the compensation after recording a finding that respondent No.1 was driving a vehicle in a rash and negligent manner.

I have heard learned counsel for the appellant at length and with his able assistance gone through the judgment passed by the Motor Accident Claims Tribunal.

In the present case, the delay stands explained. The claimant was admitted in the hospital immediately. The hospital authorities sent information to the police authorities. However, immediately the case was not registered by the police authorities. Once the police authorities were

informed by the hospital, the claimant cannot be penalized.

Taking into consideration the facts available on the file, I do not find any good ground to interfere with the findings of fact arrived at by the Motor Accident Claims Tribunal.

Appeal is dismissed.

23.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No