

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1836 of 2006 (O&M)

Date of decision:-22.10.2018

UNITED INDIA INSURANCE CO. LTD.APPELLANT...

V.

SHAKUNTLA DEVI AND ORS.RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.N. Singal, Advocate,
for the appellant.

None for the respondents.

AJAY TEWARI, J. (ORAL)

This appeal has been filed by the Insurance Company against the award dated 28.01.2006 passed by Motor Accident Claims Tribunal, Panipat whereby compensation has been awarded to the legal representatives of Raj Kumar, who is stated to have died in accident on 20.01.2003. Since a very limited point has been raised further detail reference to the facts would not be required.

Learned counsel appearing for the Insurance Company has argued that actually respondents-claimants could not prove the involvement of the insured vehicle in the accident. He has argued that eye-witness who lodged the FIR had not given either the number of vehicle or the name of driver and only one Karambir had made a statement that respondent No.5 had made an extra-judicial confession before him wherein he had mentioned that the accident had taken place. He further argued that

respondent No.5 was the nephew of the deceased and he along with owner had acted in collusion with the claimants.

I find that no evidence was led about the relationship of respondent No.5 with deceased. Moreover, respondent No.5 and 6 had filed a written statement wherein they had accepted the accident. They have claimed that the accident had taken place due to the fault of the deceased. In my considered view and in view of the facts and circumstances, it cannot be held that there is no evidence which could give rise to the finding that the accident had taken place with the insured vehicle. It cannot be lost sight of the fact that civil cases have to be decided on the basis of preponderance of probability and if the appellant is able to establish even a slight preponderance of probability his/her case has to be accepted.

In these circumstances, the arguments of learned counsel for the appellant are rejected. Appeal dismissed.

22.10.2018
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(AJAY TEWARI)
JUDGE

whether speaking/reasoned: **Yes/No**

whether reportable: **Yes/No**