

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

F.A.O No. 2332 of 2006

Date of decision:- 17.04.2018

National Insurance Co. Ltd.

...Appellant

Versus

Saravjeet Kaur and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.C. Gupta, Advocate
for the appellant

Mr. Parminder Singh, Advocate
for respondent Nos. 1 to 3.

Mr. G.S. Sandhu, Advocate
for respondent No. 4

RITU BAHRI J. (Oral)

The present appeal has been preferred by the Insurance Company-appellant, challenging award passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') to the tune of Rs.04,23,000/-, vide impugned award dated 24.02.2006 in a claim petition filed under Section 163-A of the Motor Vehicles Act (for short 'the Act').

Brief facts of the case are that on 25.03.2004, Harpal Singh was going on his motorcycle when the same was hit by another motorcycle bearing No. HR-05K-2240, coming from behind, being driven by Davinder Verma in a rash and negligent manner. Due to the accident, Harpal Singh fell down on the road and succumbed to his injuries.

Learned counsel for the appellant is challenging award on the ground that there is a fraud in lodging a claim for compensation. Learned

counsel submits that no police report was lodged nor any post mortem was conducted on the body of the deceased.

The appeal is liable to be dismissed as firstly it was the claim petition under Section 163-A of the Act and the claimant were not to prove the negligence.

Reference at this stage can be made to a statement of P.W.4 Hoshiar Singh who stated that he was standing in front of his shop when he noticed that the deceased was being hit by the offending motorcycle. Due to this accident, he suffered grievous injuries. Hoshiar Singh along with other persons shifted the injured Harpal Singh to General Hospital, Karnal from where he was referred to PGI, Chandigarh but on the way, he succumbed to his injuries.

P.W.2 Dr. S.L. Verma also stated that he examined Harpal Singh (deceased) with history of road side accident sustaining head injury and after giving first aid, he referred the patient to PGI, Chandigarh. He proved the outdoor ticket and photograph of the deceased.

P.W.3 Sushila Devi, Sarpanch of village proved on record the compromise Ex P1 according to which family members of the deceased did not lodge report to the police and cremated the body of Harpal. However, in the newspaper cutting, the news of the death of the deceased has been published.

After going through the statements, it is not in disputed that firstly the deceased died due to the accident, which was seen by P.W.4 Hoshiar Singh and secondly, Dr. S.L. Verma who had examined the deceased after accident had proved the outdoor ticket. Thus, it is clear that

the deceased died due to accident. The compromise makes it abundant clear

that the accident occurred due to rash and negligent driving of Davender.
The claim petition was under Section 163-A of the Act and the claimants were not to prove the negligence of the offending vehicle.

In view of the above, award dated 24.02.2006 does not require any interference by this Court.

The appeal is dismissed, being devoid of any merits.

17.04.2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No