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

**FAO No.3854 of 2013 (O&M)
Date of Decision : 19.01.2018**

The Oriental Insurance Co. Limited Appellant

Versus

Ravi Kumar and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K. Bashamboo, Advocate
for the appellant.

Mr. R.D. Rattewal, Advocate
for Mr. B.S. Bhinder, Advocate
for the respondent No.1.

None for respondent No.2.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the order dated 18.03.2013 awarding compensation alongwith interest @ 12% to the respondent No.1-claimant on account of injury received by him in an accident.

The case of the respondent No.1 was that he was appointed as driver of Swaraj Mazda Truck with the respondent No.2 and while on duty he met with an accident which led to permanent disability leading to filing of the present claim. The Commissioner held that no evidence was led by

the appellant to rebut the uncontroverted assertion made by the respondents

and consequently accepted the relationship.

Counsel for the appellant has argued that actually in a criminal case the respondent No.1 had been acquitted by holding that it was not proved that he was driving the vehicle. It was however fairly accepted by the counsel for the appellant that the said material was not placed before the Commissioner. Consequently, no fault can be found with the findings of the Commissioner.

Counsel for the appellant has further argued that in the cross-examination the respondent No.2 had accepted that it was a fake claim and he had been pursued by respondent No.1 to help him in this fake claim. A perusal of the cross-examination clearly indicts that this is a typographical error because the answer was given to the usual suggestions. To my mind, it should have been read what was intended to be stated that it was incorrect that a false claim has been filed and it seems that a typographical error has occurred and in place of the word 'incorrect' the word 'correct' has been mentioned.

Consequently, the appeal is dismissed. No costs.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

January 19, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No