

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

237

FAO-2112-2015 (O&M)

Date of decision: 15.12.2018

TATA AIG GENERAL INSURANCE COMPANY LTD. ... Appellant

Versus

BED RAM AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajesh K. Sharma, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 04.11.2014 passed by the Motor Accidents Claims Tribunal, Faridabad whereby liability to pay compensation has been fastened against the insurance company though the insurance company has been given right of recovery.

The sole submission made by counsel for the appellant is that as the occurrence had taken place due to trolley attached with tractor allegedly crushed the deceased under rear wheel and trolley was not insured, insurance company is entitle to be exonerated of liability to pay compensation.

The case set up by claimant is that on the fateful day of 24.02.2012, Smt. Premwati had been answering call of nature on kacha path outside her house. The offending vehicle tractor No.HR-29/AB-5347 came in a rash and negligent manner and hit Smt. Premwati. As a result, she fell on the road and crushed under rear wheel of trolley attached with the tractor. The accident was caused due to rash and negligent driving of tractor insured with the appellant though the victim was crushed under rear wheel of trolley attached with the tractor. The Tribunal has rightly held that it is not a case where trolley got detached or debunked from tractor and accident occurred. In the given circumstances, insurance company cannot be heard to say that liability to pay compensation cannot be fastened against the

insurance company merely because the victim has been crushed under rear wheel of the trolley.

No other point has been raised.

For the foregoing reasons, the appeal is dismissed. However, all other terms and conditions of the award shall remain intact.

15.12.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No