

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

FAO No.1314 of 2017 (O&M)

Date of decision: 14.02.2018

Magma HDI General Insurance Company

....Appellant

Versus

Jakaria and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pankaj Mehta, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

This appeal has been filed by Magma HDI General Insurance Company-appellant against the award dated 07.12.2016 passed by Motor Accident Claims Tribunal, Mewat (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.5,00,000/- has been awarded in favour of claimants-respondent Nos. 3 and 4 on account of death of their minor daughter Fatma in a motor vehicular accident which took place on 29.05.2015 near Adbar Chowk, Nuh.

The Insurance Company is not disputing the finding of Tribunal on issue No.1 that the accident had been caused on account of rash and negligent driving of the offending vehicle by its driver-Jakaria. The impugned award has been challenged on a short ground that there is variation in the engine and chasis number of the vehicle in the FIR and in the claim petition.

However, this aspect has been considered by the Tribunal. It

has been observed that after registration of FIR against driver of the

offending vehicle, charge sheet was presented against him, which was proved on record as Ex.P1 and he was facing trial under Sections 279 and 304-A IPC. Moreover, the driver (respondent No.1 in claim petition) did not make any complaint before the higher authorities for his false involvement in the case. The engine number mentioned in the FIR and in the claim petition is the same. It was observed that the last digits of engine number are the same and it could not be ruled out that the informant might have noted down some other number written on the body of the vehicle and might have mentioned the same as chasis number of the offending vehicle. There was no dispute that the offending vehicle was involved in the accident and possibility that the claimants could not get the correct number would not absolve of the liability of the driver.

After going through the impugned award, this Court is of the view that the findings returned by the Tribunal on all the issues do not require any interference, as the same have been given after appreciation of the evidence in the right perspective. The compensation has also been rightly assessed in this case. In this view of the matter, argument raised by learned counsel for the appellant is rejected.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

14.02.2018
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No