

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2801 of 2018

Date of Decision: 07.12.2018

SBI General Insurance Company Ltd.

.....Appellant

Vs.

Nafe Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE DR. RAVI RANJAN

Present:- Mr.Suman Jain, Advocate, for the appellant.

Mr.Vimal Nehra, Advocate, for respondents No.1 and 2.

DR. RAVI RANJAN, J.

It appears from the order dated 30.05.2018 passed by a co-ordinate Bench of this Court that it was urged on behalf of appellant-Insurance Company that the offending truck was not involved in motor vehicular accident. It was alleged that the owner-cum-driver of the aforesaid vehicle is professional blackmailer and he repeats such fake accident for extorting public money in connivance with the claimants, meaning thereby, they have played a friendly match amongst themselves before the tribunal.

Upon such plea having been taken, the learned Single Judge issued notice of motion to the respondents and at the same time directed the Director General of Police, Haryana to constitute a Special Investigating Team so that real fact could be revealed as to whether the offending tractor actually and genuinely was involved in the cases of accident or some fraud was being played by the owner and driver in connivance with the claimants.

Pursuant to the aforesaid direction, SIT was constituted by

Director General of Police, Haryana and a report of the SIT has been produced before this Court today which speaks in clear terms that in all the 3 cases, no evidence with respect to connivance of the claimant and owner-cum-driver of the tractor could be found out and, in fact all of them, were belonging to different places and were not known to each other. However, it is also stated that owner-cum-driver is using the tractor for the purpose of transporting silt from Yamuna and not probably for agricultural purposes.

Be that as it may, the issue as to in what number the owner was using the tractor was not within the scope of investigation. It was not part of the direction given by this Court to the SIT rather the only issue was to reveal as to whether there is some connivance between the parties i.e. claimants and the owner-cum-driver of tractor.

The sole ground which has been raised by the appellant/Insurance Company loses its foundation after the report submitted by the SIT. Having regard to aforementioned facts and circumstances and in view of the fact that the aforesaid was the only issue raised as above by the appellants, this Court is of the opinion that no cogent reason could be shown by the appellant warranting interference into the Judgment and Award passed by the Tribunal.

In the result, this appeal fails and is accordingly dismissed.

(DR. RAVI RANJAN)
JUDGE

07.12.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No