

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

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**FAO No.2987 of 2018 (O&M)
Date of Decision : 02.07.2018**

ICICI Lombard General Insurance
Company Limited

..... Appellant

Versus

Smt. Uma Devi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sanjeev Goyal, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the Insurance Company against the award of compensation for the death of one Pawan @ Pawan Kumar.

As per the claim petition the accident had taken place on 05.08.2015 and the deceased had succumbed to the injuries on the same date in the hospital. The primary argument raised by the learned counsel for the appellant is that in the FIR the father of the deceased had not disclosed the identity of the Driver or the number of the vehicle which had caused the accident. As per the counsel one very dubious eye witness has surfaced after 5 days. He has taken me through his cross examination and has particularly relied on the admission that the eye witness did not take the injured to the hospital nor disclosed about the facts to the family of the deceased then and there and only approached the police after 5 days.

Learned counsel for the appellant has relied upon *Surender Singh and another Vs. Prem Singh and others, 2015 (15) RCR (Civil) 67, Azharuddin Vs. Sahabu and others, 2015 (65) RCR (Civil) 477, Ishwar Devi and others Vs. Darshan Singh and others, 2013 (35) RCR (Civil) 485 and Hira Singh and others Vs. Rajpal @ Raju and others, 2016 (2) PLR 122*. However in all these cases the common thread is that the claim petition was dismissed and this Court did not interfere with the finding of the Motor Accident Claims Tribunal regarding the credibility of the eye witness.

In the present case the Motor Accident Claims Tribunal has held this eye witness to be credible. Having gone through the facts of the present case I also uphold the finding of the tribunal with regard to the credibility of the eye witness and consequently dismiss the appeal. The amount of Rs.25,000/- deposited by the appellant be remitted to the Tribunal.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

02.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No