

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

**FAO No.1500 of 2019 (O&M)  
Date of Decision: April 12, 2019.**

National Insurance Company Limited

.....APPELLANT(s).

**VERSUS**

Amandeep Singh and another

.....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Harjinder Singh, Advocate  
for the appellant (s).

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**SURINDER GUPTA, J.**

This is appeal by National Insurance Company limited against award dated 01.10.2018 passed by Motor Accident Claims Tribunal, Chandigarh (later referred to as the tribunal), whereby a compensation of ₹19,83,000/- was awarded for the injuries suffered by claimant-injured Amandeep Singh, in a motor vehicle accident with Car bearing registration No.PB-65-AE-7479 (later referred to as the offending vehicle).

Learned counsel for the appellant argues that as per case of claimants, accident took place on 21.10.2016 but the FIR was registered on 18.11.2016 and thereafter, the offending vehicle was taken into possession. This shows that the vehicle in question was planted at later stage. Varinder Lamba driver and owner of the offending vehicle has stated that he was not facing trial and this shows that he was not found guilty.

Perusal of the challan submitted by the police, copy of which

has been supplied by learned counsel for the appellant shows that the police contacted injured Amandeep Singh on the night of 21/22.10.2016 but he was declared unfit to make statement. His brother and father stated to the police that they are busy in treatment of the injured and the opposite party is also trying for compromise, as such, they do not want to get their statements recorded. The police ultimately recorded statement of Amandeep on 18.11.2016. The offending vehicle was taken into custody on 22.11.2016 along with motorcycle of injured. On mechanical examination of the offending vehicle on 23.11.2016, it was found badly damaged. Mechanical report about the damage of offending vehicle is as follows:-

- “1. Glass windshield broken.
  2. Front hood badly damaged.
  3. Front fender Lh. damaged.
  4. Head lamp Lh. broken.
  5. Front bumper Lh.side broken.
  6. Lamp support Lh. damaged.
- In Front Tyre, brakes are in working condition.”

The police after completion of investigation, presented the challan against Varinder Lamba, driver-cum-owner of the offending vehicle.

So far as the delay in reporting the matter to the police is concerned, the same has been duly explained in FIR itself. It is quite natural that after the accident, attempts are made to amicably settle the dispute before registration of the FIR. Nothing has come on record that claimant had any enmity with driver-cum-owner of the offending vehicle so as to falsely involve him in this case. The police, on investigation, has found Virender Lamba as prima facie guilty while presenting the challan and admittedly, he is facing trial before the Court at Mohali.

Though at the time of hearing on 27.02.2019, learned counsel for the appellant has put forth submission that the police has not presented any challan but on receiving instructions, he has come up with the plea that challan was presented in May, 2018 in which the owner-cum-driver of the offending vehicle is facing trial. In these circumstances, testimony of Varinder Lamba, who appeared to depose as RW1, as to whether he is facing trial or not, is irrelevant. The damaged condition of the offending vehicle shows that it was involved in the accident and it is not the case of the respondent/driver-cum-owner of offending vehicle that this car got damaged in some other accident. The tribunal has considered the factum of delay in lodging the FIR and the submission put forth by learned counsel for the appellant-insurance company and on appraisal of evidence, has arrived at the conclusion that the accident was caused due to rash and negligent driving of the offending vehicle. The finding of fact recorded by the tribunal is based on appraisal of evidence on file and call for no interference in this appeal.

No other point has been argued.

This appeal has not merits. Dismissed.

Statutory amount of ₹25,000/- deposited by the appellant be sent to the executing Court for being adjusted towards the compensation amount.

**April 12, 2019.**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***