

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

489

FAO No.1319 of 2006
Decided on : 18.07.2019

United India Insurance Co.Ltd.

... appellant

Versus

Atma Ram and others

.. Respondents

CORAM : HON'BLE MS.JUSTICE RITU BAHRI

Present : Mr.Vinod Chaudhari, Advocate
for the appellant.

Ritu Bahri, J. (Oral)

The Insurance company has approached this Court by way of filing the present appeal against the award dated 15.12.2005 whereby a compensation of Rs.58,610/- has been awarded to the claimant on account of injuries suffered by him in a road accident which took place on 6.11.2003.

Brief facts of the case are that on 6.11.2003, the claimant, Atma Ram was going to Mandi Adampur on his cycle and at about 5.15 p.m, when he reached Neemwala Bus stand a scooter bearing registration No.HR-20E-9075 driven by respondent No.1, Subash son of Dalip came and struck the cycle from behind. The claimant fell down and sustained injuries on his eyes, chest and legs and he remained admitted in Agroha Medical College from 6.11.2003 to 2.12.2003 and he had been operated upon and his treatment continued for about five months. A case was registered under Sections 279, 337, 339 IPC on 7.11.2003.

The Insurance company has challenged the said award on the only ground that respondent No. 1, driver of the vehicle had not

appeared before the tribunal to rebut the claim of the claimant. It does not mean that respondent No.1 did not have a valid driving licence at the time of accident. Therefore, the Insurance company cannot be denied its liability to pay the compensation.

A perusal of the award shows that after registration of the FIR, driver of the vehicle, respondent No.1 had denied the accident and pleaded that a case was concocted and he was facing the trial. Therefore, it means that he was very much present before the tribunal. On the other hand, the Insurance company in its inquiry/investigation was to find the fact whether the driver was having a valid driving licence or not at the time of accident. It cannot shuffle its responsibility upon the driver of the vehicle on the only ground that he had not put in appearance before the tribunal.

Dismissed.

[RITU BAHRI]
JUDGE

18.07.2019

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No