

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

**209**

**FAO-5788-2010**

Date of Decision : September 23, 2019

ANIL AND ANR.

.....Appellants

**VERSUS**

KAPTAN SINGH AND ORS.

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present : Mr. Ravi Sharma, Advocate for the appellant.  
Mr. Balkar Singh, Advocate for respondent No.2.  
Mr. Sanjiv Pabbi, Advocate for respondent No.3.

**NIRMALJIT KAUR, J. (Oral)**

The present appeal is filed against the award dated 5.9.2009  
vide which the claim petition was dismissed.

While praying for setting aside the impugned award, learned  
counsel for the appellants has placed reliance upon the judgment rendered  
in the case of **Manoj Vs. Samundar Singh and others**, 2005 ACJ 520 to  
contend that the Insurance Company cannot escape the liability once  
there is admission of the concerned driver about the accident.

However, as per the finding recorded by the Tribunal which  
the learned counsel for the appellants is not able to dispute, it was the  
deceased, who was under the influence of liquor due to which the  
accident took place. In these circumstances, there is nothing on record  
which may enable this Court to conclude that the driver of the offending  
vehicle was rash or negligent.

No other argument was raised.

Dismissed accordingly.

**September 23, 2019**  
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**(NIRMALJIT KAUR)**  
**JUDGE**

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