IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

FAO No. 2960 of 2012 (O&M)
Date of Decision: May 06, 2019

Reliance General Insurance Company Limited

..........APPELLANT

VERSUS

Birwati and others

........RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arun Sharma, Advocate for
Mr. T.K.Joshi, Advocate
for the appellant.

Mr. Ashish Gupta, Advocate
for respondents No. 1 to 4.

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SURINDER GUPTA, J.(Oral)

Heard.

This is appeal against the award dated 02.12.2011 passed by Motor Accident Claims Tribunal, Gurgaon (now Gurugram) allowing compensation of Rs.6,12,800/- for the death of Ram Sharan (age 46 years) in a motor vehicle accident with a truck bearing registration No.HR-55G-6169. The only ground pressed for setting aside award by the appellant-Insurance Company is that the insurance policy of the offending vehicle placed on file as Ex.P3 is a forged and fabricated document.

In the written statement filed by the appellant before the Tribunal, it has taken a plea that the appellant/claimant has not submitted any cogent evidence to show that the offending vehicle was insured with the appellant at the time of accident. The claimant had taken a specific plea in his claim petition that the vehicle was insured with respondent No.3. In their written statement, owner and driver of the offending vehicle have also asserted that the offending vehicle was insured with the appellant vide policy No.1624172337837279/2010. The copy of the insurance policy, which was valid from 23.01.2010 to 22.01.2011 was placed on file as Ex.P3. No evidence was produced on behalf of the appellant to show that this policy was not valid one or is a forged document. The evidence on behalf of the appellant was closed by its counsel without producing any evidence. The appellant has also not come up with any rejoinder against the plea taken by owner and driver that the offending vehicle was insured with the appellant.

The claimant had appeared in this case as PW-5. In her cross-examination, no suggestion was given to her that the insurance policy placed on file by PW1 Rohtash is a fake document. In the absence of any specific plea or evidence, the plea of appellant that the insurance policy is a fake document has no merits and as such, is discarded.

No other plea has been raised. This appeal has no merits.

Dismissed.

(SURINDER GUPTA)
JUDGE

May 06, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***