

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

FAO-912-2012 (O&M)

Date of Decision: 4.10.2019

Bajaj Allianz General Insurance Company Limited

.....Appellant

Versus

Shyam Wati and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

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

NIRMALJIT KAUR, J. (ORAL)

While praying for setting aside the award dated 30.5.2011 with respect to the liability, learned counsel for the appellant contended that the vehicle in question was not involved. However, the only argument raised is that the FIR was registered on 21.2.2008, whereas, the accident took place on 8.2.2008 and the deceased Prem Singh died on 17.2.2008. Further one Raju lodged the FIR but he was not examined. Shyam Lal has been produced as a witness whereas his name was not mentioned in the FIR and charge-sheet is also filed against the driver of the said vehicle.

Heard.

It is not disputed that the detail of the vehicle has been mentioned in the FIR. It is also not disputed that the said accident did occur as the deceased has in fact died as an outcome of the said accident. So, just because the name of Shyam Lal witness was not mentioned in the FIR, does not make the case fatal or necessarily lead to the conclusion that the said vehicle as mentioned in the FIR was not the one that was mentioned. In fact, even the driver has not come forward to deny the accident. The argument

that there was a delay in filing the FIR also does not help the appellant taking into account that the person was immediately taken to the hospital on that very day on 8.2.2008 and he died on 17.2.2008, which shows that his family and others were busy in taking care of the injured, which would be the main priority.

No other argument is raised by learned counsel for the appellant.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

4.10.2019
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No