

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

101

FAO-2940-2013(O&M)

Date of Decision : July 19, 2019

NATIONAL INSURANCE COMPANY LTD.

.....Appellant

VERSUS

BIMLA DEVI AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Ms. Manjeet Kaur Sehgal, Advocate for
Ms. Vandana Malhotra, Advocate
for the appellant.

Mr. Dhruv Khanna, Advocate for
Mr. I.P.S.Kohli, Advocate
for respondent No.1.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed by the appellant-Insurance Company for setting aside the award passed by the Motor Accident Claims Tribunal, Ferozepur on the ground that the Tribunal wrongly held that the accident was on account of the rash and negligent driving of the driver of the truck. While praying for allowing the appeal, learned counsel for the appellant argued that it was an admitted position that the motor cycle hit the truck in question from behind. The deceased did not keep the minimum distance between the motor cycle and the truck. He was at high speed. Thus, the motor cycle was being driven in a negligent way. Hence, no claim was liable to be paid by the appellant.

Heard.

The Specific argument raised herein was considered by the Tribunal. It has come in the evidence that the present appellant took a self contradictory stand. At the first instance, they denied the accident. Subsequently, it changed its stand and submitted that the accident had taken place on account of the negligence of the deceased. There is nothing in evidence to show that the deceased was driving the motor cycle at a high speed. Infact, the eye-witness AW3 Parmesh Lal Bajaj has specifically stated that the driver of the truck was driving the vehicle rashly and negligently in the middle of the road and suddenly applied brakes.

In view of the same, no ground to interfere in the well reasoned order passed by the Tribunal is made out.

Dismissed.

Consequently, CM-4419-CII-2019 is also disposed of.

July 19, 2019
ajay-1

(NIRMALJIT KAUR)
JUDGE

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