

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

FAO No.4572 of 2013 (O&M)

Date of decision: 02.12.2019

Shri Ram General Insurance Company Ltd.

....Appellant

Versus

Balvinder and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arun Sharma, Advocate,
for Mr. T.K. Joshi, Advocate,
for the appellant (Insurance Company.).

Mr. S.S. Khurana, Advocate,
for claimant-respondent No.1.

Mr. A.K. Yadav Advocate,
for respondent Nos.2 & 3.

RITU BAHRI J. (Oral)

Appellant-Shri Ram General Insurance Company (insurer of offending vehicle) has come up in appeal against the Award dated 08.04.2013 passed by the Motor Accident Claims Tribunal, Rewari, whereby compensation of Rs.13,49,300/-, along with interest at the rate of 7% per annum, has been awarded in favour of claimant-respondent No.1 on account of injuries received by him in a motor vehicular accident, which took place on 06.12.2010.

The appellant is challenging the finding given by Tribunal on issue No.1 on the ground that there was delay of 20 days in lodging the FIR, which was registered on 26.12.2010, whereas the accident had taken place on 06.12.2010. In this backdrop, learned counsel for the appellant states that

the accident has not been duly proved.

Heard. A perusal of the impugned award shows that after the accident, information regarding admission of injured-Balvinder in the hospital was received through telephone by the police. Thereafter, the police visited the hospital and obtained opinion of the doctor. But, the doctor on duty declared the injured unfit to make any statement. Again the police visited the hospital on 26.12.2010, but the doctor again opined that injured-Balvinder was not fit to make statement. Thereafter, Arvind Kumar, brother of injured-Balvinder, made an application for registration of case. Further, Balvinder, while appearing as PW-6, deposed that owner and driver of the offending vehicle met his father for compromise, but later on, they refused to compensate him due to huge treatment expenses.

Keeping in view the above fact, the Tribunal has rightly given a finding that there was delay of only 20 days in lodging the FIR, which was not fatal to the case of claimant-appellant. Hence, on this ground itself, finding given by Tribunal on issue No.1 does not require any interference. Moreover, the evidence has been appreciated in the right perspective.

No merits. Dismissed.

(RITU BAHRI)
JUDGE

02.12.2019
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No