

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

**270**

**FAO-6942-2018(O&M)**

Date of Decision : August 19, 2019

NATIONAL INSURANCE CO. LTD

.....Appellant

***VERSUS***

SHEKHAR @ SHEKHAR KHURANA AND ORS

.....Respondents

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

Present : Mr. Gopal Mittal, Advocate  
for the appellant.

Mr. J.S.Saneta, Advocate  
for the respondents.

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

The present appeal has been filed against the award dated 4.9.2018 passed by the Motor Accident Claims Tribunal, Karnal on the ground that issue No.1 qua the rash and negligent driving of vehicle in question has been wrongly decided whereas the said car was not involved in the incident as the FIR is registered almost after fifteen days and that the driver and the owner had denied the occurrence and that there are lot of contradictions in the FIR as well as the deposition of the witnesses.

It is not disputed that the injured remained hospitalized upto 18.12.2016 whereas the incident took place on 3.12.2016. In these circumstances, the delay in the registration of the FIR cannot be said to be fatal to the case. Saving of ones life is the first priority. Admittedly, the charge-sheet has also been filed and as per the said charge-sheet, it was the present vehicle which was involved in the accident and the

concerned accused is also facing the trial as on date. Thus, the adverse inference has rightly been drawn against the said vehicle for seeking claim again in the said accident. The total amount awarded is Rs.3,12,368/-. Out of which, Rs.2,42,368/- is towards actual medical expenses. Therefore, no interference in the impugned award is called for.

Dismissed accordingly.

August 19, 2019  
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( NIRMALJIT KAUR )  
JUDGE

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