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

CR-6506-2019

Date of Decision: 16.10.2019

ICICI Lombard General Insurance Co. Ltd.

..... Petitioner

Versus

Harpal Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rajbir Singh, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This revision petition is directed against the order dated 04.10.2019 whereby the Ld. Motor Accident Claims Tribunal, Ropar (for short referred as 'Tribunal'), vide which, the application filed on behalf of the petitioner-Insurance Company seeking amendment of its original written statement was rejected.

2. By way of the proposed amendment, the petitioner had sought to make out a case that acquittal of the original respondent No.1 (present respondent No.4), who happens to be the Driver-cum-Owner of the offending vehicle, by the Criminal Court, on the basis of the statements of eyewitness Ravinder Singh and another prosecution witness, indicates collusion of those witnesses with the claimants.

3. The Ld. Court below nevertheless rejected the petitioner's contention after observing *inter alia*:-

“4. From the perusal of the judgment, passed by the

Criminal Court, it reveals that the accused was not acquitted on the ground of alleged collusion of claimants and respondent No.1, rather, the same was passed on the basis that Ravinder Singh stated in his deposition that he has not seen the accused at the time of occurrence and moreover, this is the categoric case of Ravinder Singh himself that he has not seen the accused at the time of occurrence, rather, he has noted down the number of the offending vehicle. Further, it is never the case of Ravinder Singh that he has seen the accused at the time of occurrence. Moreover, by moving the present application, respondent No.2 tried to reverse the orders already passed against him in the previous applications, wherein the same kind of plea regarding collusion of the claimants and respondent No.1 has raised and were dismissed. Therefore, finding no merit in the present application the same stands dismissed....”

4. On specific queries by this Court, Ld. Counsel for the petitioner has been unable to draw attention to any statement made by either of the two witnesses mentioned above, namely, Ravinder Singh (Eyewitness) or Sukhwinder Singh (PW-6 in the Criminal Trial) to the effect that the original respondent No.1 (present respondent No.4) was actually the Driver of the offending vehicle at the relevant time to their knowledge, or that the vehicle in question was not involved in the accident.

5. In such circumstances, this Court finds no illegality or impropriety in the decision of the Ld. Tribunal in rejecting the proposed amendment sought for on behalf of the petitioner by virtue of which it was endeavoured to make out a case that the claim petition had been drawn up collusively by the claimants and the alleged Driver of the offending vehicle along with the eyewitness although the vehicle, in question, was not

involved in the said accident.

6. No merits. Dismissed.

16.10.2019

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No