

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

**213/2**

**FAO-1666-2014 (O&M)**

**DATE OF DECISION: 08.01.2020**

**NATIONAL INSURANCE COMPANY LTD ... Petitioner(s)**

***Versus***

**BHUPENDER AND ORS**

**... Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. R.C. Kapoor, Advocate for the petitioner(s).

Ms. Manjit Kaur, Advocate for  
Mr. R.D. Yadav, Advocate for respondent No.1.

Mr. Tapan Kumar, Advocate for respondents No.2 and 3.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

The appellant has challenged the award passed by the MACT on 01.10.2013 under Section 163-A of the Motor Vehicles Act.

Learned counsel for the appellant contends that the appellant company is confining the challenge to the award only with regard to the factum of the accident having taken place and is not challenging the computation of compensation as such. He contends that the version of the claimant is improbable as the claimant who was alleged to be travelling in the vehicle was the only person who received injuries while three other occupants of the car did not receive any injury. The accident had taken place on 25.01.2012 and no complaint was filed with the police on that date although PW-9 had made a statement in this regard before the police. He also contends that independent witnesses have not been examined.

On the contrary, learned counsel for the respondents states that the compensation has been awarded under 'no fault liability'. The claimant had suffered serious injuries in the accident which had resulted to his disability to the extent of 100% from the lower limbs. He has referred to the medical report of the Indian Spinal Institute in this regard which indicates that the petitioner is paraplegic. He has also referred to the certificate Ex.PW-8/A which has been produced by the Doctor of the Indian Spinal Institute, New Delhi.

Heard.

The vehicle, in which the petitioner-claimant along with others was travelling, had met with an accident on 25.01.2012 at about 08:00 p.m. at Mohindergarh Rewari road. DDR No.12 dated 26.01.2012 was recorded at police station Kanina. The petitioner had been taken to the Community Health Centre, Kanina and was administered first aid. He was later referred to the Hospital at Rewari. Thereafter, he had undergone treatment at Indian Spinal Injuries Centre, New Delhi. He is stated to have incurred an expenditure of Rs.3 lakh on his treatment. The bills with regard to the medical treatment of the petitioner –claimant have also been placed on record. DDR No.12 was recorded on 26.01.2012 which has been proved in evidence. The accident had taken place at 08:00 p.m. on 25.01.2012 and therefore, there does not seem to be any undue delay in lodging the DDR on the next day. PW-1 and PW-2, who were travelling in the same vehicle, have fully corroborated the version of the appellant with regard to the factum of the accident. They have been cross-examined at length by the appellant's counsel but no

material contradiction had come to light. The argument of the learned counsel for the appellant that the presence of these witnesses was doubtful as they had not suffered any injury, would be difficult to accept at this stage. It is not necessary that injuries should have been caused to all the occupants of the vehicle. The injuries which are suffered by the passengers in a vehicle would depend on several factors including the nature and manner in which the accident took place. A finding of fact in this regard has been recorded by the Tribunal and there is no material before this Court to interfere therewith. It is not in dispute that respondent No.1 had suffered serious injuries which has resulted in his disability to the extent of 100% from his lower limbs. He was 32 years of age at that time. The compensation of Rs. 6,63,000/- has been awarded. PW-1 and PW-2, who were travelling in the vehicle, have been examined and have supported the version of the complainant. There is no requirement that independent witness should have been examined especially when in the instant case, the accident had taken place at 08:00 p.m. in the month of January. It would be dark at that time and the non-examination of the independent witnesses would not, in any manner, dent the case of the claimant.

Consequently, I do not find any merit in this appeal which stands dismissed.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**08.01.2020.**

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