

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

FAO-155-2021(O&M)

Date of decision:22.02.2021

HDFC ERGO GENERAL INSURANCE CO.LTD.

.....Appellant

Versus

Ram Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sanjeev Kodan, Advocate for the appellant

ANIL KSHETARPAL, J.

The Insurance Company has filed this appeal against the award passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali, (hereinafter referred to as 'the Tribunal') awarding Rs.5,70,000/- on account of death of Shriyansh Dutta, the grandson of the claimant-respondent.

In the present case, Shriyansh Dutta died in a motor vehicle accident on 20.08.2017. The FIR was registered by Sh. Monti Bhardwaj, who was with Sunil Dutta and Late Sh. Shriyansh Dutta. Initially, Sh. Monti Bhardwaj got registered an FIR against un-known vehicle, however, on 04.09.2017 in his supplementary statement he disclosed the registration number of the offending vehicle.

It is not in dispute that on the basis of the aforesaid supplementary statement, Saurabh Goel was arrested and challaned by the police. It is also not in dispute that Monti Bhardwaj has appeared in evidence as CW2 and supported the case of the claimant. It is further

not in dispute that neither the owner and the driver of the offending vehicle nor the Insurance Company has produced any evidence before the Tribunal.

Learned counsel for the appellant contends that the evidence of Monti Bhardwaj is weak and cannot be relied upon. He submits that Sh. Monti Bhardwaj has not disclosed his source of information regarding the involvement of the vehicle in question. He further submits that initially in the newspapers it was reported that Shriyansh Dutta has died in a hit and run accident case.

Learned counsel for the appellant admits that the respondent-Saurabh Goel has been challaned and now, he is facing prosecution. Still further, Sh. Monti Bhardwaj while appearing in evidence has stated that he has identified the driver of the offending vehicle in the criminal case.

The police after investigation had found that Sh.Saurabh Goel was driving the offending vehicle, which was insured with the appellant. The respondents (the Insurance Company, the driver and the owner of the offending vehicle) have failed to rebut the statement of Monti Bhardwaj in his cross examination or by producing any other evidence. As regards the argument of the learned counsel for the appellant that registration number of the vehicle was disclosed after a period of 15 days, it may be noted that the FIR was registered immediately after the accident and when the first informant came to know of the vehicle involved, he informed the police who after

investigation found that the information of Sh. Monti Bhardwaj was correct. In the absence of any evidence to the contrary, the Tribunal has correctly held that Sh. Saurabh Goel while driving the offending vehicle caused the accident.

Hence, no ground to interfere is made out.

Dismissed.

22.02.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)
JUDGE