

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 205 of 2021 (O&M)

Date of Decision: 14.09.2021

National Insurance Company Limited

... Appellant(s)

Versus

Shish Pal alias Raj Gopal and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harjinder Singh, Advocate
for the appellant(s).

Anil Kshetarpal, J.

1. The insurer assails the correctness of the award dated 06.02.2020, passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as “the Tribunal”) while allowing the claim petition under Section 166 and 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the 1988 Act”).

2. As per the case of the claimant-Shish Pal alias Raj Gopal, when he was going towards his agricultural land, then one Tata Sumo Gold bearing registration No. HR-45-B-3324, driven by Amar Singh, at a very high speed in a rash and careless manner, dashed against him, causing him serious injuries. The aforesaid occurrence was witnessed by Arvind Kumar, the brother of the injured, who was working in his agricultural land at the relevant time. The Tribunal, after appreciating the evidence, allowed the claim petition while assessing the compensation at ₹ 23,77,251/- keeping in

view the medical bills of ₹ 8,07,251/-. It has come in the evidence that the movements of the injured have been restricted to a larger extent at this young age of 33 years. The injured has suffered disability to the extent of 80%.

3. The learned counsel representing the appellant contends that there is a delay of approximately two months in registration of the FIR. He, hence, contends that the insured vehicle was wrongly implicated in the case in order to get the claim.

4. On 27.04.2021, the record of the Tribunal was requisitioned. On perusal thereof, it is clear that the hospital had informed the police vide memo dated 20.10.2017 (Ex.P27). It has also come in evidence that the police reached the hospital on 21.10.2017, however, since the injured was not fit to make a statement, hence, the statement could not be recorded. Subsequently, on the information of the brother of the injured, the FIR was registered.

5. This Bench has also read the statement of Arvind Kumar-injured's brother. He has been put through a grilling cross-examination. However, the learned counsel representing the insurance company has failed to impeach his credibility. This Bench has also gone through the statement of Amar Singh, who has appeared as RW.1. He has stated that he went to the hospital to visit his relative Jai Pal, who was admitted there. However, no evidence in support thereof was produced.

6. Keeping in view the aforesaid facts, this Bench is of the considered view that the judgment passed by the Tribunal does not require interference. Hence, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 14, 2021
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No