

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

FAO-188-2021(O&M)

Date of decision:26.02.2021

FUTURE GENERAL INSURANCE COMPANY LIMITED

.....Appellant

Versus

MANDEEP KAUR AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vishal Aggarwal, Advocate for the appellant

ANIL KSHETARPAL, J.

CM-2162-CII-2021

For the reasons stated in the application, delay of 201 days in filing the appeal is condoned.

CM stands allowed.

Main case

The Insurance Company has filed this appeal against the award passed by the Motor Accident Claims Tribunal, Ambala, (hereinafter referred to as ' the Tribunal'). The claimants (widow and two sons) have been awarded a compensation of Rs. 31,39,130/- on account of death of the deceased.

Learned counsel representing the Insurance Company contends that on the date when the FIR was registered, the first informant (the deceased's wife) had claimed that she did not note the registration plate number of the offending vehicle. He submits that after a period of more than two months, the vehicle in question was

claimed/found to be involved. He submits that this is due to false implication. He further submits that the car in question was coming from behind and therefore, contributory negligence of the vehicle in which deceased was travelling may be assumed.

Learned counsel for the appellant has forwarded a copy of the statement of Smt. Mandeep Kaur, widow of the deceased, on the official email of this Court. On reading thereof, it is apparent that her statement in examination-in-chief was not challenged by the Insurance Company on this aspect of the matter. In other words, there is no cross-examination of the witness on the fact as to how she came to know of the registration plate number of the vehicle. Once the statement of witness is not challenged in cross-examination, on a particular aspect, the same would be deemed to have been accepted to be correct.

As regards, the second argument of the learned counsel, it may be noticed that the counsel representing the Insurance Company did not raise a contention in this regard before the Tribunal. Still further, when Mandeep Kaur-widow of the deceased, appeared in evidence, there was no suggestion to her that the motor car in which she and her deceased husband were travelling, was also being driven negligently.

In view of the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

26.02.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)
JUDGE