

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 752 of 2021 (O&M)

Date of Decision:11.08.2021

Shri Ram General Insurance Company Limited**....Appellant****VS****Gurpreet Kaur****....Respondent****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL****Present:** Mr. Amit Vyas, Legal Manager for the appellant

SUDHIR MITTAL, J. (Oral)

Vide award dated 31.01.2020, claim petition has been allowed and compensation of Rs. 18.84 lacs has been granted on account of death of Rajat Singh Turka, who died in a motor accident on 24.12.2017.

Mr. Amit Vyas, Legal Manager appears for the appellant and submits that vide order dated 18.03.2019 passed by the criminal Court, the driver of the offending vehicle has been acquitted. This fact has not been taken into consideration by the learned Tribunal.

It is settled law that standard of proof in criminal cases is different from that in civil cases. In criminal cases the guilt has to be proved beyond reasonable doubt whereas in civil cases it can be established by preponderance of evidence. In this case deceased Rajat Singh Turka was being followed by his brother-in-law (Jija) who witnessed the accident. He has deposed in the Court that the accident took place on account of rash and negligent driving of the driver of the offending vehicle. On the preponderance of probabilities, the Tribunal has

accepted his statement and has concluded that death occurred on account of negligence of the driver of the offending vehicle.

The said finding can not be said to be erroneous in any manner.

The appeal has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

11.08.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No