

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

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**FAO-2801-2021 (O&M)
Date of decision: 29.10.2021.**

NATIONAL INSURANCE COMPANY LIMITED **...Appellant**

Versus

SUKHBIR SINGH AND ORS **...Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sachin Ohri, Advocate,
for the appellant.**

ANIL KSHETARPAL, J (Oral)

The Insurance Company has filed an appeal against the award passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal'), on 08.07.2021.

The Tribunal has awarded a sum of Rs.5,24,682/- as compensation on account of injuries and permanent disability suffered by the claimant.

The learned counsel representing the Insurance Company contends that the claimant has given a different version of the manner in which the accident took place while appearing as a witness in the criminal case. He submits that even the vehicle number given was different than the one that was involved in the accident.

The learned Tribunal has considered the aforesaid objection and found out that since the counsel representing the Insurance Company failed

to confront the claimant with the aforesaid statement so as to seek his explanation therefore, the statement of the witness given in the criminal case cannot be looked into.

The learned counsel representing the appellant contends that, no doubt, the counsel representing the Insurance Company has failed to comply with the requirement of Section 145 of the Indian Evidence Act, however, the Court still can look into the aforesaid statement.

In the considered view of this Court, if the credibility of the statement of the witness is sought to be impeached by his previous statement, then the witness is required to be confronted with the aforesaid statement so as to seek his explanation. In absence thereof, the witness stands deprived of that opportunity.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

The statutory amount of Rs.25,000/- be remitted to the Motor Accident Claims Tribunal.

All the pending miscellaneous applications, if any, are also disposed of.

October 29, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No