

208 (2 cases)

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

FAO-4397-2018 (O&M)
Date of decision: 01.12.2021

National Insurance Company Ltd. ...Appellant

V/s

Lachman Dass and others ...Respondents

FAO-4398-2018 (O&M)

National Insurance Company Ltd. ...Appellant

V/s

Manjit Kaur and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vinod Gupta, Advocate,
for the appellant in both the appeals.

Mr. Jaideep Verma, Advocate,
for the respondents/claimants in both the appeals.

ARUN MONGA, J. (ORAL)

Aggrieved with the award dated 13.04.2018 rendered by Motor Accidents Claims Tribunal, Rupnagar, Insurance Company has preferred the instant appeals.

Learned counsel for the claimants/respondents No.1 to 4 submits that the entire case of the insurance company is that driver of the offending truck and claimants connived with each other and the vehicle is falsely implicated. In this regard, he relies on the judgment dated 30.10.2019 rendered by learned Judicial Magistrate, Ist Class, Rupnagar

whereby accused Harnek Singh was held guilty and convicted for the offences under Sections 279 and 304-A of IPC.

Primary argument of learned counsel for the appellant-Insurance Company with regard to non-involvement of the offending vehicle, does not survive in view of the ultimate conviction of the driver of the vehicle vide the judgment dated 30.10.2019 *ibid*. Criminal proceedings arising out of the accident have resulted into his conviction on the basis that he was driving the offending vehicle at the time of accident.

In view of the above, no grounds are made out to interfere.

Dismissed.

A photocopy of this order be placed on the connected case file.

01.12.2021

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No