

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

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FAO No.101 of 2022 (O&M)
DATE OF DECISION : 01st FEBRUARY, 2022

United India Insurance Company Limited

.... Appellant

Versus

Baljinder Singh and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harinder Kumar, Advocate,
for the appellant.

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RAJBIR SEHRAWAT, J. (Oral)

The present appeal has been filed by the appellant-Insurance Company against the award dated 01.11.2021 passed by the Motor Accident Claims Tribunal, Sangrur, wherein the claim petition filed by the claimants i.e. parents, brothers and sisters of Karanvir Singh, who had died in an accident on 19.06.2019, was partly allowed and they were held entitled to compensation to the tune of Rs.8,50,000/- along with interest @ 7.5% per annum.

The only argument addressed by the counsel for the appellant is that the driver of the offending truck was found carrying some contraband in the truck, which otherwise was carrying sand as the load. Since the driver was carrying contraband, therefore, he would be presumed to have consumed the same as well. Therefore, there has to be a presumption that he was under influence of the contraband recovered from the said vehicle. As a result, he was driving the vehicle without due care.

No other point has been argued.

This Court does not find any substance in the argument raised by the counsel for the appellant. Merely because the contraband was recovered from the truck, which otherwise was carrying a valid load, would not be a ground for the insurance company to avoid its liability which arises from the involvement of the offending truck in an accident. Still further, merely because the driver of the offending truck was found carrying some contraband, cannot, by any stretch of imagination, be taken as creating a presumption that he had consumed that contraband as well. On the contrary, since the driver of the offending truck was, allegedly, carrying the contraband, therefore, he would, in all probabilities, be driving the offending vehicle by taking all possible precautions to avoid being caught.

In view of the above, finding no merit in the present appeal, the same is dismissed.

01st FEBRUARY, 2022
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*