

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

Sr. No.123

**FAO-516-2022 (O&M)
Date of decision : 17.02.2022**

IFFCO TOKIO General Insurance Company Limited Appellant

VERSUS

Chinta Devi and others Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Varun Sharma, Advocate for
Mr. Ashwani Talwar, Advocate, for the appellant.

SUDHIR MITTAL, J. (Oral)

An accident took place on 07.03.2017 resulting in the death of Ram Chander. According to the claimants, he was travelling in a tempo which was hit by a Canter being driven rashly and negligently by respondent No.7. Due to the accident, he fell down from the tempo and suffered head injuries resulting in his death. The Tribunal has awarded a total compensation of Rs.13,86,250/-.

Learned counsel for the appellant has not raised any argument regarding the quantum of compensation. His only submission is that the accident did not take place as has been stated by the claimants. In fact, the deceased fell from a height at a construction site and this resulted in his death. The Tribunal has erred in law in returning a finding to the contrary.

The argument cannot be accepted. Upon consideration of this very argument, the learned Tribunal has rejected the same on the ground that after registration of the FIR, the matter was thoroughly investigated by the police. The owner of the Canter vehicle was also associated with the enquiry

and he had admitted that accident was caused by his driver, namely, Assam Khan. Mechanical examination of the vehicle also established the accident. The post-mortem report (Ex.P-4) also mentions death in a road side accident. This fact has also been corroborated by the evidence of eye-witness PW/2, namely, Suresh Kumar.

The reasons aforementioned are plausible and logical. No perversity exists therein and thus, the appeal has no merit and it is, accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

17.02.2022
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No