

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-635-2022(O&M)
Date of Order:23.03.2022

UNITED INDIA INSURANCE COMPANY LTD. ..Appellant

Versus

ANGURI AND OTHERS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.C. Kapoor , Advocate
for the appellant.ANIL KSHETARPAL, J(Oral)

The Insurance Company has questioned the correctness of findings of fact arrived at by the Motor Accident Claims Tribunal with respect to the rash and negligent driving of Ramesh Kumar son of Sh. Prithvi Singh. The only argument advanced by the learned counsel representing the appellant is to the effect that Ramesh Kumar son of Sh. Prithvi Singh was going ahead while driving his truck (dumper/trailer) and the deceased Ramesh who was driving a TATA 407 hit him from behind. With the able assistance of the learned counsel representing the Insurance Company, this Court has gone through the statement of Ramesh Kumar son of Sh. Prithvi Singh. It is evident that he applied breaks of the truck as a wild cow suddenly came on the road. The TATA 407 driven by Ramesh was following the truck. Before the deceased could react, his TATA 407 bumped into the rear side of the truck.

The learned counsel representing the appellant contends that Sh. Sube Singh PW-3 has admitted that the distance between the truck and TATA-407 was 8 to 10 feet, therefore, it is deceased who was rash and negligent.

On a Court question, the learned counsel representing the

Insurance Company submits that the truck (dumper) as well as TATA-407 were

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loaded. Both the vehicles were travelling on a highway. It is the admitted case of the driver of the truck (Ramesh son of Sh. Prithvi Singh, when he suddenly applied breaks due to the effect that a wild animal suddenly entered the road. The driver of the vehicle following was not able to see the wild animal. Therefore, the driver of the vehicle on the back needed time to react. The happening of the accident is not in dispute. The claimants have lost their sole bread earner.

The learned counsel representing the appellant while relying upon the judgment passed in **“Nishan Singh and others Vs. Oriental Insurance Company Ltd. through Regional Manager and others, Civil Appeal No.10145 of 2016, decided on 27.04.2018”**, contends that the deceased was required to maintain a sufficient distance from the vehicle going ahead.

On careful reading of the judgment, it is evident that a Maruti car met with an accident when dashed against the truck from rear side. It was also found that the Maruti car was at a distance of 10 to 15 feet. It was a narrow road. In those facts, the Court held that the driver of the truck was not rash and negligent.

In the considered opinion of the Court, this judgment does not help the case of the appellant.

In view thereof, the present appeal is dismissed.

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

March 23rd, 2022

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>