

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

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FAO-3216-2022 (O&M)
Date of decision: 11.10.2022

National Insurance Company LimitedAppellant

Versus

Imam and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J. (ORAL)

The insurance company is in appeal before this Court against the award dated 08.04.2022 passed by learned Motor Accidents Claims Tribunal, Nuh (for short, 'the Tribunal') wherein the claimant was awarded the following compensation on account of the injuries suffered by him in a Motor Vehicular Accident which took place on 03.08.2018:-

Sr. No.	Head	Amount
1.	Treatment expenses	Rs.1,18,000/-
2.	Conveyance charge	Rs.20,000/-
3.	Special diet	Rs.20,000/-
4.	Attendant charges	Rs.10,80,000/-
5.	Future loss and earnings	Rs.17,28,000/-
6.	Pain and suffering	Rs.01,00,000/-
7.	Future amenities of life	Rs.01,00,000/-
8.	Future medical expenses	Nil
	Total compensation	Rs.31,66,000/-

As per the pleaded case of the injured claimant (hereinafter referred to as 'the claimant'), he was working as a conductor/cleaner on truck bearing registration No.HR-74A-6686 (hereinafter referred to as 'the offending vehicle'). On 03.08.2018, when the claimant was travelling in the offending vehicle, the driver of the offending vehicle

struck against truck bearing No.HR-67B-1834. The claimant received serious injuries on his legs and other parts of his body. He was hospitalized subsequent to the accident in question. On account of the injuries sustained, the claimant suffered 100% permanent disability as both his legs were amputated.

Learned counsel for the appellant insurance company has vehemently argued that the involvement of the offending vehicle in the accident in question was highly suspect as there was a delay of 3 days in the lodging of the FIR. In addition to that, learned counsel argued that though it was claimed that the claimant was working as conductor/cleaner in the offending vehicle, however, no evidence had been led in this regard. Learned counsel submits that it has been alleged by the claimant that he was travelling in the offending vehicle on the cleaner's side and sustained injuries due to the accident, however, it is highly suspicious that it was only the driver's side of the truck which was damaged in the accident in question and there was no damage to the side where the conductor/cleaner i.e. the claimant was allegedly seated at the time of the accident in question. Learned counsel submitted that thus, it was evident that either the claimant had not received any injury in the accident in question or it was the claimant who was driving the offending vehicle without a valid driving licence and thereafter the owner of the vehicle had intentionally produced the driving licence of one Mustufa and projected him to be a driver of the offending vehicle in order to absolve himself of the liability. It was also submitted that the compensation awarded was exorbitant and deserved to be reassessed and scaled down accordingly.

I have heard learned counsel and perused the relevant material on record.

This Court does not find merit in the submissions of learned counsel that the accident was suspect because there had been a delay of 3 days in the lodging of the FIR because the accident stands duly proven from material on record.

Further, no doubt, it was vehemently argued by learned counsel for the insurance company that the claimant was driving the offending vehicle and just to absolve the owner of his liability to compensate him, a false story had been fabricated that he was sitting besides the driver when the accident in question took place. Further, the appellant insurance company also moved an application for additional evidence for bringing on record the pictures of the offending vehicle and certain documents in support of his submissions that it was the claimant who was driving the offending vehicle. However, this Court does not find any merit in the submissions of learned counsel as strangely, a perusal of the evidence led before the Tribunal reveals that no such suggestion even by way of a whisper that the claimant was driving the offending vehicle, was put to him or any other witness. Still further, it is at the appellate stage that the appellant insurance company has chosen to move this application for additional evidence even though it had ample opportunity to do so before the Tribunal. Therefore, this Court also does not find any merit in the submissions made by the counsel for the appellant insurance company that the compensation awarded is exorbitant and deserves to be scaled down.

Accordingly, the instant appeal being devoid of any merit

is dismissed.

The statutory amount of Rs.25,000/- which was deposited by the appellant insurance company be also disbursed to the claimant.

11.10.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No