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

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FAO-1323-2022(O&M)
Date of decision: 11.11.2022

UNIVERSAL SOMPO GENERAL INSURANCE COMPANY LTD.

..Appellant

Versus

VISHNU NARAIN AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Punit Jain, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

While challenging the findings of the Tribunal on issue No.1, the Insurance Company has filed the present appeal.

Issue No.1 reads as under:-

> *"1) Whether accident dated 20.11.2018 at around 2130 hours, resulting in death of Bimla Devi w/o Satynarain, occurred on account of rash and negligent driving of vehicle No.HR-35P-1788 by respondent No.1? OPP"*

Smt. Bimla Devi wife of Sh. Satynarain died in an automobile accident on 21.11.2018 at about 21:30 hours. The FIR was registered by her son on 21.11.2018 alleging that a car had crushed his mother. On 22.11.2018, the car was recovered and the Police after investigation found that the car bearing registration plate No.HR-35P-1788, was involved in the said accident.

This Bench has heard the learned counsel representing the appellant and with his able assistance perused the paperbook.

He submits that the insured car has been falsely involved in order to get compensation from the Insurance Company. He contends that there are discrepancies in the statement of the son of the deceased and PW-1

(Sh. Kanwar Singh) eye witness. It has been pointed out that the son of the deceased has stated that there was no one else present at the spot of accident, whereas, Sh. Kanwar Singh claimed that he has seen the accident with his own eyes. The aforesaid discrepancy has already been examined by the Tribunal. It was 09:30 p.m. in the month of November when it is expected to be pitch dark. The Insurance Company, owner or the driver of the vehicle have not produced any evidence to prove the alleged implication. The respondent No.1 and 2 after filing their written statement that no such accident took place, did not appear in evidence. The Insurance Company also did not take any necessary steps to summon them. The Tribunal on preponderance of probabilities has formed an opinion. In absence of perversity, this Court does not find it appropriate to interfere.

Dismissed.

The office is directed to remit the statutory amount to the Executing Court.

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

November 11th, 2022 **(ANIL KSHETARPAL)**
Ay **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No