

201 (2nd case)

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

FAO No.540 of 2013 (O&M)

Date of decision: 07.01.2022

National Insurance Company Ltd.

...Appellant

Versus

Gurwinder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Paul S. Saini, Advocate,
for the appellant-Insurance Company.

None for the respondents No.1 and 2.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Aggrieved with the award dated 05.11.2012 rendered by Motor Accidents Claims Tribunal, (Adhoc) Fast Track Court, Hoshiarpur, Insurance Company has preferred the instant appeal.

2. Learned counsel for the appellant-Insurance Company submits that it is a case of contributory negligence on the part of the driver of the motor cycle as also the driver of the Tempo Traveller. However, the learned Tribunal completely ignored the factual position duly established on record and held that the driver of the tempo traveller was solely responsible for causing the alleged accident.

3. Since the issue involved in the present appeal has already been dealt with in *FAO No. 2218 of 2012* decided on *01.09.2021* titled as “*Sona Devi and others Vs. Ramesh Kumar and others*”, the present appeal is dismissed in terms of order dated 01.09.2021 passed in FAO No. 2218 of 2012, *ibid*.

07.01.2022

Vandana/vs

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No