

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

Sr. No.129

FAO No.735 of 2022 (O&M)

DATE OF DECISION: March 03, 2022

Tata AIG General Insurance Co. Ltd.

...Appellant

Versus

Madhu Bala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

SUDHIR MITTAL, J. (ORAL)

An accident took place on 22.12.2018 in which Krishan Kumar died. According to the claim petition, said Krishan Kumar was riding a motorcycle with his cousin Data Ram riding pillion. The vehicle was stopped on the road side on account of call of nature. It was hit by a Pickup truck being driven rashly and negligently causing the death of Krishan Kumar.

Learned counsel for the appellant has submitted that the offending vehicle has been planted in this case. Data Ram, the eye-witness did not note down the number of the offending vehicle and this is also clear from the FIR got registered by him. While appearing as PW-3 said Data Ram has admitted that he could not note down the number of the offending vehicle. It is thus, apparent that the offending vehicle has been planted.

The Tribunal has examined this argument and has rejected the same on the ground that the driver was arrested by the police after investigation and the vehicle was impounded. Eye-witness PW-3-Data Ram

has also denied the suggestion that Satyapal was not the driver of the said Pickup truck.

The aforementioned findings are not perverse. Based upon preponderance of probabilities, the Tribunal was justified in rejecting the objection raised by the Insurance Company.

For the aforementioned reasons, the appeal has no merit and is dismissed.

CM-2208-CII-2022

Since the main appeal stands dismissed, the present application also stands disposed of.

March 03, 2022
Ankur

(SUDHIR MITTAL)
JUDGE

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