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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107 FAO-4962-2022 (O&M)
Date of decision: 22.11.2022

United India Insurance Company Limited Appellant

VS

Manoj Kumar & others Respondents

FAO-4965-2022 (O&M)

United India Insurance Company Limited Appellant

VS

Mahabir Singh & others Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr. Vinod Chaudhari, Advocate
for the appellant

ALOK JAIN, J. :

CM-16071-CII-2022 in FAO 4962 of 2022

The instant application has been filed seeking condonation of
delay of 14 days in filling the appeal.

For the reasons stated in the application, the same is allowed.

Delay of 14 days in filing the appeal is condoned.

CM-16079-CII-2022 in FAO 4965 of 2022

The instant application has been filed seeking condonation of
delay of 17 days in filling the appeal.

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For the reasons stated in the application, the same is allowed.

Delay of 17 days in filing the appeal is condoned.

FAO 4962 of 2022 and FAO 4965 of 2022

1. This order shall dispose of two FAOs bearing Nos.4962 and 4965 of 2022, arising out of the common Award dated 05.07.2022 passed by the learned Motor Accident Claims Tribunal, Bhiwani, wherein an accident took place on 03.03.2016 in which, Krishan Kumar died on the spot and Manoj son of Jagpal Singh and Rajesh son of Karam Singh received injuries. Accordingly, three claim petitions came to be filed i.e. one by Manoj Kumar (injury case), one by Rajesh son of Karan Singh (injury case) and one by Mahabir Singh and others being LR's of deceased Krishan Kumar.

2. The learned MACT decided all the three claim petitions and granted the compensation. However, the appellant has chosen to raise challenge against the impugned award granted to Manoj Kumar (injury case) and against Mahabir Singh and others(death case). Since the grounds raised in both the appeals are identical, therefore, the present appeals were heard together.

3. Learned counsel for the appellant-Insurance Company after taking through the facts of the case and the evidence led by the parties, has submitted that the Court below has granted exorbitant claim which was not verified or authenticated in accordance with law. He submits that the vehicle was being driven at a extremely high speed by the driver and therefore, the claims were not admissible.

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4. After hearing learned counsel for the appellant, I do not find any merit in the contentions raised. The Award has been passed after considering the entire evidence available on the file and the appellant could not substantiate any discrepancy nor could corroborate the fact that the tribunal has not considered the evidence on record. It is an established principle of law that the level of evidence required in the benevolent piece of legislation is much less and there is a preponderance of truth attached to it. Learned counsel for the appellant could not deny that the vehicles were insured and the driver had a valid license and nor could he deny the fact of accident. The vehicle being insured and the premium having been duly paid, the appellant cannot be permitted to raise sham defence to decline the claim.

5. Accordingly, in the light of the above, the present appeals being devoid of merit are dismissed.

6. Since the appeals have been dismissed, pending misc. application(s) also stand dismissed.

(ALOK JAIN)
JUDGE

22.11.2022
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No