

FAO-4967-2022 (O&M)

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

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FAO-4967-2022 (O&M)

Date of decision: 22.11.2022

Universal Sompu General Insurance Company Limited

..... Appellant

VS

Beena Devi & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr. Rajneesh Malhotra, Advocate
for the appellant

ALOK JAIN, J. :

CM-16096-CII-2022

The instant application has been filed seeking condonation of delay of 28 days in filing the appeal.

For the reasons recorded in the application, the same is allowed. Delay of 28 days in filing the appeal is condoned.

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The present appeal arises out of the award dated 14.07.2022 passed by the Motor Accident Claims Tribunal, Rewari, whereby the learned Tribunal awarded compensation amounting to Rs.22,61,050/-, on account of the demise of Ajay Singh Lamba.

Learned counsel for the appellant vehemently argued that the charge sheet filed in the criminal case, was filed without verifying the facts of the case and the second argument raised by the counsel for the appellant is that the compensation assessed is on the higher side. It is submitted that the accident had not occurred due to any rash or negligent driving.

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After hearing the learned counsel and after going through the record, it has come out that the offending vehicle was being driven in a rash and negligent manner, which had caused the accident resulting in death of Ajay Singh Lamba. Therefore, the argument that the charge-sheet in the criminal proceedings had not been filed after thorough verification is vague and evasive as there are other cogent evidence available on the file. More so it is settled principle of law that the Tribunal while considering the claim petition has to hold an enquiry but not act as a criminal Court. It is reiterated that the claimants were to merely establish their case on the touchstone of preponderance of probability and the standard of proof beyond reasonable doubt cannot be applied. Admittedly, the counsel for the appellant could not demonstrate any material contradiction in the award qua the accident as well as the quantum awarded.

Accordingly, finding no merits the instant appeal is dismissed. However, dismissal of this appeal shall not be construed as any embargo on the rights of the claimants in case they seek any enhancement.

All the pending misc.applications also stand disposed of, with the dismissal of the main appeal.

(ALOK JAIN)
JUDGE

22.11.2022

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