

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

**FAO No. 1010 of 2023 (O&M)
DATE OF DECISION :- May 09, 2023**

Bajaj Allianz General Insurance Company Limited

...Appellant

Versus

Devinder Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

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

C.M. No. 3992-CII of 2023

1. This is an application for condonation of delay of 40 days in filing of the appeal.
2. Heard.
3. For the reasons mentioned in the application and in the interest of justice, such delay is condoned.
4. The application is allowed.

FAO No. 1010 of 2023

1. The appellant Insurance Company is feeling aggrieved by the Award passed by Motor Accident Claims Tribunal Gurdaspur on 4.10.2022 vide which compensation of Rs. 5 lakhs had been granted on account of death of Baj Singh, aged about 70 years, a practising Advocate at Civil Courts at Batala, in a motor vehicular accident which took place on 5.1.2018 at about 7.15 P.M. in the area of Village Kala Afgana, District Gurdaspur, statedly on account of rash and negligent driving of Car No. PB-10-CQ-7889 by respondent No. 1 Narinder Singh.

2. I have heard learned counsel for the appellant and gone through the record especially the impugned Award.
3. The Tribunal considering the facts and circumstances of the case and evidence brought on record by the parties, analyzing the eye witness account provided by CW-2 Rai Muart Singh coupled with the fact that the F.I.R No. 4 dated 5.1.2018 for offences under Sections 304A, 279 IPC (Ex.C2) was registered with Police Station Fatehgarh Churian with regard to the accident and not finding the denial by respondent No. 1 appearing as respondent No. 3 to be convincing, has returned a clear finding that respondent No. 1 Narinder Singh was author of the accident by his rash and negligent driving of the Car in question resulting in death of Baj Singh. It being so, claimant Devinder Pal, widow of deceased has been found entitled to claim compensation from Narinder Singh, driver, Rakesh Kumar, registered owner, Rashpal Singh, transferee of the Car as well as Bajaj Allianz General Insurance Company Limited, insurer of the Car.
4. Considering the age of the deceased, his avocation as a practicing Advocate, a sum of Rs.5 lakhs has been awarded as compensation to the claimant.
5. I find this amount to be just and fair and no reason is found to reduce the same, as such the appeal does not have any merit. The same is dismissed accordingly.

(H.S. MADAAN)
JUDGE

May 09, 2023
p.singh

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