

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

FAO No. 5300 of 2017 (O&M)

DATE OF DECISION :- May 22, 2023

United India Insurance Company Limited

...Appellant

Versus

Amritpal Kaur and others

...Respondents

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

Present:- Mr. Lalit Garg, Advocate for the appellant.

Mr. Kushagra Mahajan, Advocate for respondents No. 1 to 3.

Mr. R.S. Bajaj, Advocate
for Mr. Sachin Kalia, Advocate for respondent No. 4.

1. On account of death of Davinderpal Singh son of Shri Hardial Singh in a motor vehicular accident which took place on 23.4.2016 at about 9.30 P.M in the area of Harsha Petrol Pump, Amritsar, statedly on account of rash and negligent of motor cycle bearing registration No. PB-02-BM-7747 by respondent No. 1 Mukesh Kumar, legal representatives of such deceased namely his wife Amritpal Kaur, aged about 39 years, minor son Simarjot Singh Janjua, aged about 12 years, mother Pushpinder Kaur, aged about 65 years, all residents of H.No. 48, Gali No. 13, New Pawan Nagar, Batala Road, Amritsar had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Mukesh Kumar, driver, Laxman Dass, owner and United India Insurance Company Limited, Amritsar, insurer of motor cycle bearing registration No. PB-02-BM-7747 (hereinafter referred to as the offending motor cycle).

2. Briefly stated the facts of the case are that on 23.4.2016 deceased Devinderpal Singh along with his brother-in-law Gurpreet Singh were going on foot from Crystal Chowk towards Sewa Samiti Hospital, Amritsar, at about 9.30 P.M. when they had reached a little ahead of Harsha Petrol Pump then offending motor cycle driven by respondent No. 1 Mukesh Kumar in a rash and negligent manner came from behind and struck against Devinderpal Singh. As a result Devinderpal Singh, fell on the road and sustained multiple injuries. He was taken to Muni Lal Chopra Hospital, Amritsar from where he was shifted to Escort Hospital, Amritsar, however, he succumbed to the injuries on 24.4.2016.

3. F.I.R No. 134 dated 24.4.2016 with regard to the accident was registered at Police Station Civil Lines, Amritsar on the basis of statement of Gurpreet Singh. He made a supplementary statement to the police on 5.5.2016 stating that the accident had been caused by respondent No. 1 Mukesh Kumar.

4. On getting notice, respondents appeared and contested the claim petition. Vide Award dated 15.5.2017 compensation of Rs.27,23,551/- with interest at the rate of 6% per annum was awarded to the claimants payable by respondents No. 1 to 3 jointly and severally.

5. Feeling aggrieved by the Award respondent No. 3 Insurance Company has approached this Court by way of filing an appeal notice of which was given to respondents, who have put in appearance through counsel.

6. I have heard learned counsel for the parties besides going through the record.

7. Learned counsel for the appellant has argued that in the F.I.R which was recorded with regard to the accident neither registration number of the vehicle which had caused the accident nor the name of its driver are mentioned and in the supplementary statement made by the complainant to the police it has not been mentioned as to how he came to know that the vehicle was being driven by respondent No. 1 Mukesh Kumar and further the motor cycle in question has been wrongly involved in this case and the Tribunal fell in error in passing Award against the respondents. This contention is resisted by learned counsel for the claimants.

8. After considering the rival contentions, I do not find any merit in the submissions made by learned counsel for the appellant. The purpose of F.I.R is to set the criminal machinery in motion and it is not encyclopedia of the incident. It is only for the purpose of setting the criminal machinery in motion. It is only during investigation that the details of incident i.e. the manner in which it took place, name and particulars of offender etc. come to be known, therefore, merely for the reason that the registration number of the vehicle is not mentioned in the F.I.R and name of the driver is also not there does not travel against case of the claimants. Further more when after a few days of the accident the complainant had made a supplementary statement to the police saying that he had come to know that the accident had been caused by respondent No. 1 Mukesh Kumar he was not required to give the manner in which he came to know about name of such person because that was of the police to investigate. As has been stated by learned counsel for the respondents claimants respondent No.1 Mukesh Kumar was booked in the criminal case, he was sent up to face trial which has resulted in his conviction by the Chief Judicial Magistrate, Amritsar on 18.10.2022

and a copy of that judgment Annexure R1 is sought to be produced by way of additional evidence.

9. The next ground taken by learned counsel for the appellant was with regard to quantum of compensation. I find the compensation of Rs.27,23,551/- awarded by the Tribunal to be just and reasonable. I do not see any reason to reduce the same.

10. There is no merit in the appeal. The same stands dismissed.

(H.S. MADAAN)
JUDGE

May 22, 2023
p.singh

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