

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 223)

(223/2)

FAO-6776-2017 (O&M)
Date of Decision : 19.05.2023

Cholamandlam MS General Insurance Company Limited

...Appellant

Versus

Manudita and others

...Respondents

(223/7)

FAO-8489-2017 (O&M)

Cholamandlam MS General Insurance Company Limited

...Appellant

Versus

Yajvir Singh and others

...Respondents

(223/8)

FAO-8507-2017 (O&M)

Cholamandlam MS General Insurance Company Limited

...Appellant

Versus

Seema and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Jain, Advocate for the appellant.

Mr. Rajesh Hooda, Advocate for the appellant in
FAO-7545-2017.

Mr. Rajneesh Malhotra, Advocate
for the respondent-ICICI Lombard General Insurance Company
Limited.

Mr. Charanji Lal, Advocate
for respondent No. 1 and 4 in FAO-6776-2017.

Mr. Aakash Juneja, Advocate
for respondent No. 3 in FAO-6776-2017, FAO-8482-2017,
FAO-8489-2017 and FAO-8507-2017.

Harsimran Singh Sethi J. (Oral)

CM-22139-CII-2017 in FAO-6776-2017, CM-27647-CII-2017 in FAO-8489-2017 and CM-27713-CII-2017 in FAO-8507-2017

Applications are allowed, as prayed for.

FAO-6776-2017, FAO-8489-2017 and FAO-8507-2017

By this common order, three appeals, which have been filed by the Insurance Company, are being decided as all of these relates to the same incident and arise out of the same Award.

Learned counsel for the appellant submits that an accident took place on 30.06.2014 in which three lives were lost. Sumit Kumar, his wife Rashmi Kiran and their daughter Lakshita died while they were travelling in Scorpio vehicle having Registration No. HR-15AS-1926. Learned counsel submits that in the present case, while fixing the liability, the Tribunal has ignored the fact that Scorpio had hit the offending vehicle i.e. Truck bearing Registration No. UP-15AT-5761 from behind, hence, the compensation awarded by treating the Truck to be an offending vehicle is not correct interpretation of the facts and circumstances of the present case.

On being asked, as to whether, the driver of the offending Truck is being proceeded against in a criminal court of law for negligent and rash driving learned counsel for the Insurance Company was not able to rebut the said fact that an FIR has been registered against the driver of the Truck and

after investigation, challan has been put against the driver of the offending Truck being negligent as well as that of rash driving, which led to the death of three human beings.

That being so, it cannot be said that the occupants of the Scorpio vehicle were negligent so as to absolve the Insurance Company of their liability. No perversity in the findings of the Tribunal have been pointed out to this Court by the learned counsel for the appellant so as to need any intervention by this Court in these appeals

No other point was raised.

Keeping in view the above, no interference is called for by this Court for any modification of the Award of the Tribunal.

All the appeals are dismissed.

CM-22140-CII-2017 in FAO-6776-2017, CM-27648-CII-2017 in FAO-8489-2017, CM-27714-CII-2017 in FAO-8507-2017

As all the appeals are dismissed, the present applications pending in all the appeals are also dismissed.

May 19, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No