

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

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FAO-566-2023 (O&M)

Date of decision : 31.01.2023

The New India Assurance Company Limited ... Appellant

Versus

Sunil and another .. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Anupinder Singh Grewal, J. (Oral)

CM-1893-CII-2023

This is an application seeking condonation of delay of 39 days in re-filing the appeal.

Heard. For the reasons stated in the application, the same is allowed and delay of 39 days in re-filing the appeal is condoned.

Main case

The appellant/Insurance Company has challenged the award of the Motor Accident Claims Tribunal (for short, 'the Tribunal') dated 04.08.2022 whereby an amount of Rs.12,21,000/- as compensation along with interest @ 6% p.a. had been awarded in a claim petition preferred by respondent No.1.

Learned counsel for the appellant/Insurance Company submits that the identity of the vehicle had not been established and therefore, the claim could not have been allowed.

Heard.

I do not find any merit in the contention of the counsel for the appellant that the vehicle was not identified. A finding of fact has been

recorded by the Tribunal that the offending car with registration No.HR-12-AA-7318 which had been insured with the appellant/Insurance Company was involved in an accident. There was only a clerical error with regard to alphabet 'A' and instead of 'HR-12-AA-7318', the registration number had been earlier mentioned as 'HR-12-A-7318'. The claimant had suffered serious injuries in a road accident which took place on 17.09.2017. The FIR was duly registered and the vehicle number was specifically mentioned in the FIR but the alphabet 'A' as stated above had been missing which had later been clarified. The respondent/claimant, who had suffered serious injuries and remained admitted in the hospital for treatment, was later examined by the Medical Board of PGIMS Rohtak to assess disability. The permanent disability on account of head injury with severe hemipareses right side with severe ataxia with moderate dysarthria and another from psychiatry 50% mild mental retardation and total combined disability had been assessed as 89.5% and an amount of Rs.12,21,000/- as compensation had been ordered by the Tribunal.

Consequently, I do not find any merit in this appeal which stands dismissed.

Pending application, if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

January 31, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No