

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.205 of 2024 (O&M)

Date of Order:15.01.2024

Cholamandalam MS General Insurance Company Limited**.Appellant****Versus****Kamlesh and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Punit Jain, Advocate
for the appellant.****Mr. K.S.Dhanora, Advocate
for the respondents no.1 to 4.****ANIL KSHETARPAL, J**

1. The appellant-Insurance Company challenges the correctness of the award passed by the Motor Accident Claims Tribunal, Panchkula. On account of death of late Sh. Rambir Singh in an automobile accident, the Tribunal has directed the appellant to pay compensation of Rs.24,60,184/- along with interest @ 6% from the date of filing of the claim petition till the realization of the amount.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

3. The learned counsel representing the appellant contends that the vehicle bearing the registration plate no.HR-39E-4534 has been falsely involved in order to secure compensation from the Insurance Company. He submits that on 17.06.2021, the brother of the deceased, namely, Sh. Ranbir Singh informed the police that he has found his brother dead near a tree and

he does not know who has caused the incident. He further submits that on 27.06.2021, a supplementary statement of Sh. Ranbir Singh was recorded, in which he disclosed that Sh. Man Singh, the Ice Cream vendor narrated the manner in which the accident was caused by vehicle no. HR-39-E-4534, whereas Sh. Man Singh while appearing as a witness has specifically denied divulgence of any information in this respect to Sh. Ranbir Singh.

4. The learned counsel representing the appellant further submits that the Tribunal at Panchkula had no jurisdiction to try the case because the accident had taken place in the territorial jurisdiction of Bhiwani and the claimants are also permanent residents of Bhiwani and the appellant-Insurance Company does not have any office at Panchkula.

5. With the able assistance of the learned counsel representing the parties, this court has gone through the statement of Sh. Man Singh. It has been stated that at the relevant time, he was vending ice-cream in a cart at the spot of occurrence. The vehicle bearing temporary registration Plate No.HR/2021/TR/3057X hit the motor cycle on which Sh. Rambir was travelling. Subsequently, the permanent registration no.HR-39E-4534 was allocated in place of the temporary number. He also disclosed that the incident took place in front of his eyes and he heard the impact of Tata Ace hitting the motorcycle hard. Thereafter, he ran away from the spot along with his ice-cream cart.

6. Despite the lengthy cross-examination by two different counsel representing respondent no.1 and 2 and the Insurance Company, the credibility of the witness could not be impeached. Moreover, it is evident that the police mechanically examined both the vehicles i.e. the motorcycle on which late Rambir Singh was travelling and the vehicle bearing the

registration plate number HR-39E-4534. It was found that both the vehicles had suffered damage in the accident. The police after completing the investigation has also presented challan against the owner and the driver of HR-39-E-4534.

7. It is evident that the claimants are presently residing at Panchkula. Moreover, the appellant-Insurance Company has a office in Chandigarh and Panchkula is the satellite town of Chandigarh. The Insurance Company has contested the case. The learned counsel representing the appellant has failed to draw the attention of the court to any prejudice caused to the appellant.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed

10. The statutory amount of Rs.25,000/- deposited by the appellant be remitted to the Tribunal for disbursement.

11. All the pending miscellaneous applications, if any, are also disposed of.

January 15, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO