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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2234-2024 (O&M)
Reserved on : 08.05.2024
Date of decision : 13.05.2024

Cholamandalam MS General Insurance Company Ltd. ... Appellant(s)
Versus
Jasvir Kaur and Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Aggarwal, Advocate for the appellant.

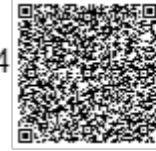
ALKA SARIN, J.

CM-8346-CII-2024

For the reasons stated therein, the delay of 36 days in filing the present appeal is condoned. Application stands disposed off.

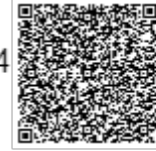
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1. The present appeal has been preferred by the appellant- Insurance Company challenging the award dated 12.12.2023 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib.
2. Brief facts relevant to the present case are that on 26.02.2021 deceased Amanpreet Singh @ Aman Dhanoa was coming to his village after attending the marriage of his friend - Ravinder Singh - in his Swift Car bearing Registration No.PB23-M-7509. Jasvir Singh and Gurwinder Singh, also residents of village Badali Ala Singh, were coming from the same marriage in their Verna Car bearing Registration No.PB23-M-0053. They

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were right behind Amanpreet Singh @ Aman Dhanoa. It was averred that Amanpreet Singh @ Aman Dhanoa was driving the car at a slow speed and on the correct left side. At about 01.30 AM when he reached near Arjun Palace near Chunni Kalan, suddenly a Canter bearing Registration No.HR-37-D-0180 came from the side of village Kamali. The driver, who was driving the Canter in a rash and negligent manner, hit the car of Amanpreet Singh @ Aman Dhanoa due to which the car of Amanpreet Singh @ Aman Dhanoa collided with a tree. It was further averred that Jasvir Singh and Gurwinder Singh were trying to get Amanpreet Singh @ Aman Dhanoa out from his car when the Canter stopped. However, subsequently the driver of the Canter fled from the spot. Amanpreet Singh @ Aman Dhanoa succumbed to his injuries. FIR No.20 dated 26.02.2021 under Sections 279, 304-A of the Indian Penal Code, 1860 was registered at Police Station Badali Ala Singh against the driver of the Canter (respondent No.2 herein). The claim petition was contested by the owner and driver of the Canter (respondent Nos.2 and 3 herein) as well as by the appellant-Insurance Company *inter-alia* on the ground that a false case had been registered against the vehicle. On the basis of the pleadings and the evidence on the record the Tribunal awarded an amount of Rs.16,29,236/- as compensation alongwith interest @ 7.5% per annum from the date of filing the claim petition till the realization. Aggrieved by the same, the present appeal has been filed by the appellant-Insurance Company.

3. Learned counsel for the appellant-Insurance Company would contend that the case is a totally false case and that it was actually a hit-and-run case. The learned counsel for the appellant-Insurance Company would



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further contend that the FIR was against an unknown vehicle. It is further the contention of the learned counsel that Jasvir Singh who had seen the accident was present at the spot and hence there was no question of him not seeing the number of the vehicle.

4. I have heard the learned counsel for the appellant-Insurance Company.

5. In the present case Jasvir Singh, who was the eye-witness, stepped into the witness box as CW1 and deposed qua the accident. Gurwinder Singh stepped into the witness box as CW2 and reiterated the version of Jasvir Singh, CW1. There is no reason forthcoming for disbelieving the statements of the two eye-witnesses. The Tribunal categorically held that the statements of CW1 and CW2 were duly corroborated by the documentary evidence on the record. The driver and owner (respondent Nos.2 and 3 herein) of the Canter did not choose to step into the witness box to deny the averments on oath or to depose that the accident had not taken place. No other point was argued.

6. In view of the above, I do not find any merit in the present appeal which is accordingly dismissed. Pending applications, if any, also stand disposed off.

13.05.2024

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO