

2024:PHHC:015438

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

FAO-13266-2018 (O&M)
Date of decision: 05.02.2024

Reliance General Insurance Company Limited through Manager
(Authorized Signatory)

....Appellant

Versus

Sapinder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjiv Kodan, Advocate for the appellant

Mr. Ashish Gupta, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. The Insurance Company has assailed the correctness of the findings of fact arrived at by the Motor Accidents Claims Tribunal, Amritsar (hereinafter referred to as 'Tribunal') with respect to rash and negligent driving of Innova Car resulting in death of late Sh.Sawinder Singh. The deceased left behind widow, two minor children and the aged parents, who filed the claim petition. The Tribunal, after appreciating the evidence led by the parties, awarded Rs. 16,27,160/- as compensation, for the death of Savinder Singh in the accident.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. Learned counsel representing the appellant, while referring to the deposition of Navpreet Singh, DW2, Driver of the Innova Car, Investigating Officer Sh.Jatinder Singh and Sh.Prem Chand, Assistant Land Acquisition Officer posted with the National Highway Authority of

India submits that late Sh.Sawinder Singh was crossing the State Highway unauthorizedly whereas Innova Car was being driven at a normal speed. He submits that the deceased was negligent in crossing the State Highway from the unauthorized crossing created by the villagers and therefore, late Sh.Sawinder Singh was wholly responsible for the accident.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. First of all, Gurpreet Singh, brother of late Sh.Sawinder Singh is an eye witness. In his examination-in-chief, he has stated that the accident took place due to the rash and negligent driving of Innova car driven by Sh.Navpreet Singh. He stated that after the accident the Innova car slipped towards the fields and the car Driver ran away from the spot and an FIR was registered against the owner and the Driver. It may be noted here that the learned counsel representing the owner and the Driver or the Insurance Company did not give any suggestion during the cross-examination to the effect that Sh.Sawinder Singh was crossing the Highway from the unauthorized crossing. Moreover, on a careful reading of the deposition of Sh.Jatinder Singh, ASI, it is evident that he has stated that there is an unauthorized broken footpath made of concrete, which is in existence and the deceased was crossing the road from that footpath. In these circumstances, the vehicle travelling on the highway was required to be careful particularly, when there was a bus stop and the concrete footpath had been created, though unauthorisedly.

6. Keeping in view the aforesaid facts, no ground to set aside the findings of the Tribunal with regard to the rash and negligent driving is made out. No other submission has been made.
7. Hence, dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

05.02.2024
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No