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

FAO-473-2016 (O&M)

Date of Decision : 15.01.2025

Reliance General Insurance Co. Ltd.

... Appellant(s)

Versus

Kavita & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Kodan, Advocate for the appellant.

ALKA SARIN, J. (Oral)

1. The present appeal has been filed against the impugned award dated 02.12.2015 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'Tribunal') whereby the claimant-respondent Nos.1 to 3 have been awarded an amount of ₹17,87,800/- as compensation alongwith interest @ 7.5% per annum on account of the death of Mukesh Kumar.

2. The Tribunal vide the impugned award had decided two claim petitions : one being MACT Case No.119 of 2013 which was filed by the claimant-respondent Nos.1 to 3 herein and the other being MACT Case No.10 of 2014 which was filed the injured – Bhagwan Sahai. The Insurance Company had filed two appeals before this Court one being FAO No.465 of 2016 and the other being the present appeal i.e. FAO No.473 of 2016. The appeal being FAO No.465 of 2016 filed by the Insurance Company against the impugned award was dismissed in limini by a Co-ordinate Bench of this

Court vide order dated 22.01.2016, which is reproduced hereunder :

“This appeal has been filed against the award dated 02.12.2015 whereby the claimant-respondent No.3 has been awarded an amount of Rs.5,45,600/- as compensation on account of the injuries received by him in the accident in question.

Brief facts of the case are that on 03.04.2011 at about 12.30 p.m. Deceased Mukesh along with Bhagwan Sahai-respondent No.1 was coming on motor cycle from Bawal to village Kankar. The motor cycle was being driven by Mukesh and Bhagwan Sahai was riding the pillion. When they were going from NH-8 towards village Sanjhapur, a canter bearing registration No.HR47B-1584 being driven by respondent No.1 in a rash and negligent manner hit the motor cycle as a result of which Mukesh died at the spot and Bhagwan Sahai received multiple grievous injuries. The Tribunal awarded him compensation as stated above along with interest at the rate of 7.5% p.a. from the date of filing of the claim petition till realisation. Against that award the insurance company has come up in appeal.

Learned counsel has argued that the involvement of the vehicle in question was seriously in doubt.

In para 15 of the impugned award it has been held as follows :

“To counter the argument advanced by learned counsel for contesting respondents, the learned counsel for the petitioners has argued that merely because the driver of the canter was not involved in the criminal case, is no ground to come to the conclusion that he was not at fault. The respondents No 1 and 2 have also not entered the

witness box to deny the accident. The claim petition cannot be decided merely on the ground that FIR was not lodged or charge-sheet was not submitted”

I see no reason to take a different view.

The appeal is dismissed.”

3. Identical arguments have been raised in the present case by the learned counsel for the appellant. In this view of the matter, there is no merit in the present appeal also. The same is, accordingly, dismissed. Pending applications, if any, also stand disposed off.

15.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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