IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-163-2025(O&M)
Date of Decision: 20.05.2025

Shriram General Insurance Co. Ltd. ....Appellant

V/s

Silochana and others ....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Khushboo Garg, Advocate, for the appellant.

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VIKRAM AGGARWAL, J. (ORAL)

CM-609-CII-2025

Prayer in the present application preferred under Section 5 of the Limitation Act, 1963 read with Section 151 CPC is for condonation of delay of 15 days in filing the appeal.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The delay of 15 days in filing the appeal is condoned.

FAO-163-2025 (O&M)

The Insurance Company is in appeal against the award dated 12.08.2024 passed by the Motor Accident Claims Tribunal, Hisar (for short 'Tribunal) vide which the claim petition preferred by respondents No.1 to 3/claimants (hereinafter referred to as the respondents-claimants) under Section 166 of the Motor Vehicles Act, 1988 (for short the 'MV Act') for grant of compensation on account of the death of Subhash in a motor vehicular accident which took place on 14.03.2022 was allowed and a sum of Rs.23,38,600/- along with interest @ 7% per annum was awarded as compensation.

2. The facts, in brief, are that on the night of 14.03.2022, Subhash along with one Sunil were going on their motor-cycle bearing Regn. No.HR60-J-3034. Surjeet son fo Om Parkash was following them on his motor-cycle bearing Regn. No.HR20-Z-9904. Subhash and Sunil stopped their motorcycle on the side of the road near Village Sainiwas and alighted from their motorcycle and began to talk. At that time, when Subhash was standing near the motorcycle, a truck bearing Regn. No.RJ19-GB-6522 (hereinafter referred to as the 'offending vehicle') came from the side of Jhumpa. It was being driven at a very high speed in a rash and negligent manner and hit Subhash as a result of which Subhash fell down and suffered serious injuries. He was taken to Civil Hospital, Siwani, where he was declared being brought dead. The matter was reported to the police and an FIR was registered on 15.03.2022 at Police Station Siwani. Compensation of Rs.50 lakhs was accordingly claimed.

3. The claim petition was resisted by the respondents. The basic stand taken was that a false case had been got registered by the claimants in collusion with the police. The factum of the accident was, in fact, also denied.

4. From the pleadings of the parties, the following issues were framed:-

> ***"1. Whether the accident in question took place on 14.03.2022 due to rash and negligent driving of vehicle bearing registration No.RJ19-GB-6522 by respondent No.1 resulting into death of Subhash son of Sh. Kurda Ram?OPP***

2. Whether the petitioners are entitled to compensation? If so, how much and from whom?OPP

3. Whether respondent No.1 has violated the terms and conditions of the insurance policy absolving respondent No.2-Insurance Company from its liability to pay amount of compensation?OPR

4. Relief."

5. Parties led their respective evidence.

6. After considering the evidence, the Tribunal allowed the claim petition filed by respondents No.1 to 3 (claimants) and awarded a sum of Rs.23,38,600/-. Aggrieved by the same, the present appeal has been preferred.

7. Learned counsel for the appellant-insurance company submits that the FIR was registered in collusion with respondent No.1 in order to grab compensation from the insurance company. She submits that the FIR was registered on the next day and there was a delay of 16 hours in registering the same. Learned counsel submits that initially the number of the offending vehicle was not mentioned in the FIR and it was introduced later on, only with a view to obtain compensation. She submits that the Tribunal erred in allowing the claim petition and did not appreciate the evidence led on the record.

8. I have considered the submissions made by learned counsel for the appellant.

9. FIR (Ex.P1) was registered on 15.03.2022 on the statement of Surjeet, who was behind the motorcycle of Subhash and Sunil on the date of the accident i.e. 14.03.2022 and witnessed the accident. He appeared as PW6 at the time of evidence. He testified that the accident took place on 14.03.2022 due to the rash and negligent driving of the offending vehicle.

Even the testimony of Dr. Vikas Kumar (PW3), who was posted at Civil Hospital, Siwani, corroborated the fact that Subhash was brought to the hospital on 14.03.2022 at 9.33 p.m. by Sunil. Admission Register of the hospital also bears the signatures of Sunil. The insurance company led no evidence to prove the fact that the accident did not take place with the offending vehicle. Mere assertions would not be sufficient to conclude that the vehicle had been wrongly involved. The Tribunal found the statements of the witnesses to be reliable and trustworthy and came to the conclusion that the accident in question took place due to rash and negligent driving of respondent No.4. I do not find the version to be doubtful which may have led this Court to arrive at a conclusion that the vehicle had been introduced later on.

10. In view of the aforementioned facts and circumstances, I do not find any merit in the present appeal and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

May 20, 2025

vcgarg Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No