



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5141-2017 (O&M)

Date of Decision : 27.01.2026

National Insurance Company Limited

... Appellant

Versus

Karmi Devi and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajiv Sharma, Advocate for the appellant.

None for the respondents.

ALKA SARIN, J. (Oral)

CM-15872-CII-2017

1. For the reasons stated in the application, the same is allowed. The delay of 22 days in filing the present appeal is condoned.

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2. Present appeal has been preferred by the Insurance Company aggrieved by award dated 07.03.2017 passed by the Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as the 'Tribunal').

3. The brief facts relevant to the present *lis* are that on 28.03.2013, Sucha Singh (hereinafter referred to as the 'deceased') alongwith Kuldeep Singh was going from Mehatpur to Bhogpur on a motorcycle bearing registration No.PB-07T-0956. The motorcycle was being driven by Kuldeep Singh at a slow speed and on the left side of the road whereas the deceased was pillion rider. At about 08.00 pm, when they reached near Reliance Petrol

Pump of Village Nasrala, a truck bearing registration No.PB-23-B-6117 (hereinafter referred to as the 'offending vehicle'), which was being driven by respondent No.4 herein in a rash and negligent manner, was crossing the road without blowing any horn and giving any signal, struck against the motorcycle as a result of which Kuldeep Singh and the deceased fell on the ground and received multiple injuries. They were taken to Civil Hospital, Hoshiarpur by one Balwant Singh son of Fauja Singh where they succumbed to their injuries. An FIR No.40 dated 29.03.2013 for offences under sections 304-A, 427, 279 of the Indian Penal Code was registered at Police Station Bullowal against the driver of the offending vehicle.

4. The owner and driver of the offending vehicle filed their joint written statement raising various preliminary objections qua maintainability and locus standi and the factum of the accident was also denied. The Insurance Company has also filed its separate written statement raising various preliminary objections. It was averred that the driver of the offending vehicle was not holding a valid and effective driving licence at the time of accident and that the claim petition has been filed by the claimants in collusion with the owner and driver of the offending vehicle in order to get compensation.

5. Learned counsel for the appellant-Insurance Company would contend that the accident in the present case did not take place and that a totally false case has been filed to get compensation.

6. In the connected appeal being FAO-7142-2017, learned counsel for the appellant-claimant therein has handed over a copy of judgment dated 03.11.2017 passed by JMIC Hoshiarpur whereby the driver of the offending vehicle was convicted and sentenced under Sections 279 and 304-A IPC.

Moreover, in para 12 of the impugned award has held as under :

“12. RW1 Shri Ram driver of the offending vehicle while appearing in the witness box in his statement in the shape of affidavit Ex.R1 deposed on oath that on 28.3.2013, he did not cause any accident while driving the offending vehicle nor the same struck against motorcycle bearing registration No.PB-07-T-0956, but a false case has been got registered by the claimants against him in connivance with the police merely to get compensation. He in his cross-examination, however, admitted that a criminal case qua this accident is pending against him in the court of Learned Judicial Magistrate Ist Class, Hoshiarpur, in which he was released on bail. RW1 Shri Ram further admitted that the offending vehicle was taken on sapurdari by respondent No.2. Respondent No.1 Shri Ram and respondent No.2 Sandeep Vanaik, the driver and owner of the offending vehicle after the accident till the deposition made in court did not move even a little finger to prove innocence of respondent No.1. They never approached any higher Police or Executive Officer to agitate false implication of respondent No.1. There is no evidence on record if any of the claimants or for that matter AW2 Raghubir Singh or AW3 Rattan Singh had any animosity with respondent No.1 so as to falsely implicate him.”

7. None has put in appearance on behalf of the respondents, despite service.

8. In view of the above, it cannot be said that no accident had taken place or that a totally false case was filed to get compensation. Accordingly, I do not find any merit in the present appeal and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

27.01.2026
jk

(ALKA SARIN)
JUDGE

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