

(1993) 05 P&H CK 0010
In the Punjab And Haryana At Chandigarh

New India Assurance Co. Ltd.

APPELLANT

Vs

Dig Vijay Prinja and Others

RESPONDENT

Date of Decision : 13-05-1993

Acts Referred:

Motor Vehicles Act, 1988 — Section 92A

Citation : (1994) 1 ACC 13

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Judgement

Amarjeet Chaudhary, J.—This appeal has been filed by the New India Assurance Company Ltd. against the award of Motor Accident Claims Tribunal, Patiala, dated 15.1.1985, who on a petition u/s 92-A of the Motor Vehicles Act, fixed the liability on the appellant to pay Rs. 15,000/- to the claimants. The challenge to the award is that no liability on the appellant-Company can be fastened.

2. On consideration of the matter, I hardly find any merit in the submission of the learned Counsel for the appellant. The appellant had merely produced copy of the insurance policy and led no other evidence, whereas the claimants had led evidence in affirmative. The Tribunal had returned a categoric finding that there was no evidence on record to prove that car No. DED 3276 was insured with respondent No. 5. There was no evidence on the file about the ownership of the said car. As such no liability for payment of compensation u/s 92-A of the Motor Vehicles Act could be fastened on the insurer of the car. The Tribunal had further returned a categoric finding that bus No. PBK 5577 which was owned by respondent No. 1 was insured with respondent No. 3, and the same was involved in the accident in which Smt. Yogesh Prinja had died on 15.7.1983. As such, no interference in the impugned order of the Motor Accidents Claims Tribunal is called for. The liability has been rightly fastened on the appellant.

3. The appeal is consequently dismissed with no order as to costs.