

(2024) 01 RAJ CK 0106

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 218, 307 Of 2019

Sumitra And Others

APPELLANT

Vs

Shri Ram General Ins. Co. Ltd And Others

RESPONDENT

Date of Decision : 22-01-2024

Acts Referred:

Citation : (2024) 01 RAJ CK 0106

Hon'ble Judges : Rekha Borana, J

Bench : Single Bench

Advocate : K.R. Saharan, Vishal Singhal

Final Decision : Dismissed

Judgement

Rekha Borana, J

1. The present appeals arise out of the judgment/award dated 24.08.2018 passed by learned Judge, Motor Accident Claims Tribunal, Sardarshahar, Churu in Claim Petition No.199/2016 (CIS No.133/2015) whereby an award for an amount of Rs.13,36,000/-has been passed in favour of the claimants with interest at the rate of 6% from the date of filing of the petition i.e. 28.09.2015, till the date of payment.

2. S.B. Civil Misc. Appeal No.218/2019 has been preferred by the claimants for enhancement of the award and S.B. Civil Misc. Appeal No.307/2019 has been preferred on behalf of the Insurance Company challenging the award.

3. The case of the Insurance Company before the learned Tribunal was that the present was a case of false implication of a vehicle and hence, the findings on issue Nos.1 & 4 as decided by the learned Tribunal deserves to be set aside. It was submitted that the FIR in question had been lodged with a delay and it is clear that the vehicle has been implicated subsequently as the FIR does not mention the registration number/number of the offending vehicle.

However, no evidence whatsoever was led by the Insurance Company.

4. The learned Tribunal specifically observed and held that the FIR which was lodged on the very next day of the accident, cannot be said to be delayed by any logic. The Court further held that the witnesses as examined on behalf of the claimants specifically proved the factum of the accident. The FIR specifically mentioned about the make of the vehicle as well its colour and both the said facts completely tallied with the vehicle which had been seized during the police investigation.

5. In the specific opinion of this Court, the findings as recorded by the learned Tribunal qua issue Nos.1 and 4 being totally in consonance with the material available on record does not deserve any interference and is hereby, affirmed. As observed by the learned Tribunal, AW-2 Ram Chandra, who was an eye witness to the accident, specifically deposed the factum of the accident as well as the Pick up No.RJ-10-GA-6170 to be the vehicle involved in the accident. There is nothing available on record to dispute the statements of AW-2 Ram Chandra and neither is there any cross examination on behalf of the Insurance Company so as to contradict the statements as made by him.

6. The findings on issue Nos.1 & 4 not being interfered with, the findings on issue Nos.2 & 3 are not required to be gone into.

7. So far as the appeal preferred on behalf of the claimants is concerned, learned counsel for the appellants could not point out any ground on which the award/judgment in question deserves to be interfered with.

8. In view of the same, both the appeals stand dismissed. The judgment/award dated 24.08.2018 passed by learned Judge, Motor Accident Claims Tribunal, Sardarshahar, Churu in Claim Petition No.199/2016 (CIS No.133/2015) stands affirmed.

9. All pending applications, if any, stand disposed of.