
(2013) 01 P&H CK 0111
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 424 of 2013

United India Insurance Co. Ltd.

APPELLANT

Vs

Sumitra and Others

RESPONDENT

Date of Decision : 31-01-2013

Acts Referred:

Citation : (2013) 169 PLR 852

Hon'ble Judges : Muttaci Jeyapaul, J

Bench : Single Bench

Judgement

M. Jeyapaul, J.

CM No. 2577-CII of 2013:

1. There is a delay of 3 days in filing the appeal. For the reasons set out in the application, the delay is condoned. CM stands disposed of.

FAO No. 424 of 2013:

The Insurance company aggrieved by the finding of the Tribunal that deceased Subhash died due to the injuries he sustained in the motor accident which took place on 8.5.2011, preferred the present appeal.

2. The claimants have contended that on 8.5.2011, the deceased was going along with Makhan Singh to village Jhalnia on a motor-cycle. The offending vehicle bearing registration No. HR-62/2499 driven by its driver in a rash and negligent manner, came from the opposite direction and struck against the ill-fated motor-cycle. It has been contended that all the three occupants referred to above received multiple serious injuries on various parts of their body. Subhash was admitted to Sapra Hospital, Hisar, on 9.5.2011. He was discharged from the hospital on 25.5.2011. He continued his treatment at home and thereafter, he died on 1.6.2011 when he was being taken to the hospital for treatment.

3. It was contended by the insurance company that the death of Subhash had no

connection with the injuries he sustained in the motor accident.

4. The Tribunal having thoroughly perused the evidence of PW-6 Dr. Tarun Sapra in the background of the medico legal report, Exhibit P-22, held that Subhash died due only to the injuries he sustained in the accident.

5. Learned counsel appearing for the appellant-insurance company referring to the evidence of PW-6 and Exhibit P-22 would submit that there was no major injury sustained by Subhash in the motor accident. PW-6 Dr. Tarun Sapra had also not given definite evidence to the effect that the death of Subhash had a direct connection with the injuries he sustained in the motor accident. It is his further submission that the post-mortem examination was not conducted on the dead-body of Subhash to unravel the cause of death. Therefore, it is his submission that the claim petition is liable to be dismissed.

6. It has been established by the claimants that deceased Subhash sustained injuries in the motor accident that took place on 8.5.2011. The medico-legal report Exhibit P-22 would categorically establish that though Subhash had sustained abrasions over right foot and right knee, he had been under trauma on account of the chest injuries he received on account of the accident. A chest x-ray was taken but of course the evidence of PW-6 Dr. Tarun Sapra would go to show that Subhash was discharged in a satisfactory condition. In other words, we cannot conclusively conclude that the injured was discharged after recovering fully from the injuries he received and the trauma he underwent. The accident had taken place on 8.5.2011. He was admitted to the hospital on 9.5.2011. He was discharged therefrom on 21.5.2011. But unfortunately, he died on the way to the hospital on 1.6.2011 when he developed some complications on account of the accident.

7. Further, PW-6 Dr. Tarun Sapra has stated that the cause of death may be related to the road accident. In the face of aforesaid evidence on record, one can easily come to the conclusion that the death of Subhash had direct nexus with the chest injuries he had received in the accident. The Tribunal has rightly decided the issues arisen in this case. I do not find any merit in the appeal. Therefore, the appeal stands dismissed.