

2025:PHHC:082297



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

107

FAO-2043-1998 (O&M)

Date of Decision : 09.07.2025

UNITED INDIA INSURANCE COMPANY LTD.

...Appellant

VERSUS

BALA DEVI AND ORS

....Respondents

AND

107-A

FAO-2599-1998 (O&M)

NEW INDIA ASS. CO. LTD.

.... Appellant

VERSUS

BALA DEVI AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. V. Ramswaroop, Advocate for the appellant
in FAO-2043-1998 and
for respondent No.8 in FAO-2599-1998.

Mr. Vinod Pundir, Advocate for respondent No.8
in FAO-2043-1998 and
for respondent No.9 in FAO-2599-1998.

Mr. Vinod Gupta, Advocate for respondent No.9
in FAO-2043-1998 and
for the appellant in FAO-2599-1998.

ALKA SARIN, J. (ORAL)

1. The present order shall dispose off the above noted two appeals being FAO-2043-1998 filed by the United India Insurance Company Limited and FAO-2599-1998 filed by the New India Assurance Company Ltd. Both the appeals have arisen out of the award dated 17.07.1998 passed

by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as the 'Tribunal').

2. Brief facts relevant to the present *lis* are that on 03.03.1995 at about 7:30 am in the area of Sidhrawali within the jurisdiction of Police Station Bilaspur, Sat Pal (deceased) after loading his truck bearing registration No.DL-1-GA-5278 left for Delhi along with second driver, namely, Jaipal and cleaner, namely, Sanjit Kumar. When they reached near Village Sidhrawali and after getting a signal from trolly which was ahead of them, the truck being driven by Sat Pal overtook the trolly. Meanwhile another truck bearing registration No.RJ-02-G-2504 which was being driven by Pat Ram Yadav came from Delhi side at a very high speed and struck against the truck being driven by Sat Pal towards the right side which resulted in Sat Pal receiving fatal injuries resulting in his death. Claim petition was filed by the legal representatives of Sat Pal. The Tribunal vide the impugned award dated 17.07.1998 held it to be a case of contributory negligence and further held both the drivers equally responsible for the accident. Both the insurance companies of the trucks bearing registration No.DL-1-GA-5278 and No.RJ-02-G-2504 were held liable. Aggrieved by the same both the insurance companies i.e. United India Insurance Company Limited and The New India Assurance Company Limited have filed the present appeals being FAO-2043-1998 and FAO-2599-1998 respectively.

3. Learned counsel for the Insurance Company in FAO-2043-1998 has contended that the accident occurred due to the fault of the driver of the truck bearing registration No.DL-1-GA-5278. However, learned counsel has

further candidly admitted that since there was/is no stay granted by this Court, the entire amount, as awarded by the Tribunal, was deposited.

4. *Per contra* learned counsel for the Insurance Company in FAO-2599-1998 would contend that it was the fault of the driver of the truck bearing registration No.RJ-02-G-2504 and therefore it has wrongly been held to be a case of contributory negligence.

5. Heard.

6. In the present case the Tribunal had held that the width of the road was 40 feet. Both the learned counsel for the Insurance Companies have not been able to show as to how the trucks were not being driven negligently by the drivers. Learned counsel for the Insurance Company has not been able to show any evidence to even remotely suggest that only one of them was responsible and was rash and negligent while driving the vehicle. Further still, since the amount of compensation already stands deposited by the Insurance Company and would have been released to the claimants by now in the absence of any stay order passed by this Court, this Court finds no ground to interfere in the impugned award passed by the Tribunal.

7. In view of the above, both the appeals being FAO-2043-1998 and FAO-2599-1998 are dismissed. Pending applications, if any, also stand disposed off.

09.07.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No