



FAO-1166-2015(O&M)

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

**FAO-1166-2015(O&M)
Date of decision:08.01.2025**

The Oriental Insurance Company Limited

..Appellant

Versus

Ramandeep Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.C.Gupta, Advocate for the appellant

Ms. Pooja, Advocate
for Mr. Ritesh Pandey, Advocate for respondent no.1 to 6

ANIL KSHETARPAL, J. (Oral)

The Insurance Company assails the correctness of the award of Rs.9,04,000/- awarded in favour of the six claimants on account of death of Tarsem Singh.

Learned counsel representing the appellant has made two following submissions:-

i) Truck no.PB-06-F-9798 was parked on the road and the deceased who was driving motorcycle came from behind and hit the truck. Learned counsel representing the appellant submits that it is a case of contributory negligence.

ii) As per post-mortem report, Ex.P-2, smell of Alcohol from the intestine of the deceased was felt by the doctors during post-mortem. Hence, it was a case of contributory negligence.



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This Court has considered the submissions made by the learned counsel representing the parties.

It has come in evidence that the accident took place at 8:30 pm. The insured vehicle i.e truck was parked in the middle of the road without switching on the blinkers or giving any other signal. Hence, the first argument lacks substance.

With respect to the second argument, it may be noticed that the Insurance Company has not produced any other evidence except post-mortem report, which does not conclude that the deceased had consumed alcohol beyond the prescribed limit.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

08.01.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No