

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO-2801-2018 (O&M)

SBI General Insurance Company Ltd. Vs. Nafe Singh and others

Present: Mr. Suman Jain, Advocate for the appellant.

CM-10520-CII-2018

For the reasons mentioned in the application which is supported by an affidavit, the same is allowed and delay of 157 days in filing the instant appeal is condoned.

FAO-2801-2018 (O&M)

Learned counsel *inter alia* contends that after the passing of impugned Award, on investigation, it was transpired by the appellant-Insurance Company that the offending tractor bearing registration No. HR-10-X-9300, was involved in three more motor vehicular accident cases. Therefore, it is apparent that respondent No. 3-Sombir, owner-cum-driver of the aforesaid offending tractor, is a professional blackmailer and is extorting public money fraudulently from the Insurance companies, showing involvement of his tractor falsely, in connivance with the claimants and playing a friendly match amongst them before the learned Tribunal.

Notice of motion to the respondents for 18.09.2018, through ordinary process and registered post as well, on furnishing of process-fee, requisite number of copies of paper-book, registered cover and incidental expenses, if any, within a period of

four weeks' from today.

In view of the submissions made by learned counsel for the appellant-Insurance Company and also considering the fact that earlier also a decade ago, similar scam was un-earthed and this Court marked CBI enquiry into the matter in CWP-6382-2004, Bhagat Ram Vs. State of Haryana and about 700 claim petitions were dismissed on the ground of illegal connivance of owner and driver of the offending vehicle and the claimants, it is desirable that the matter should be thoroughly investigated from some Special Investigating Team (SIT) headed by some honest and above board IPS Officer.

Therefore, worthy Director General of Police, Haryana, is requested to constitute a Special Investigation Team (SIT), so to be headed by Sh. B.Satheesh Balan, IPS, Deputy Inspector General of Police, presently posted as Commandant, 1st IRB, Bhondsi, to investigate into the conduct of respondent No. 3-Sombir (driver-cum-owner of the offending tractor bearing registration No. HR-10-X-9300), as to whether the offending tractor was genuinely involved in the accident in question and in three other road accident cases or its involvement was shown falsely to extort money from the appellant-Insurance Company, in illegal manner in connivance of the claimants. The SIT, shall submits its report within two months.

The expenditure that may be incurred by the Special Investigation Team, while investigating the matter, is assessed at ₹2 lakhs, which shall be deposited by the appellant-Insurance Company, under the appropriate head of the Haryana Police Department.

In the meanwhile, operation of impugned Award dated 16.08.2017, shall remain stayed.

In case of non-compliance of this order in its letter and spirit, this appeal would entail dismissal for want of prosecution.

A copy of this order be sent to the worthy Director General of Police, Haryana, through learned Advocate General, Government of Haryana for its compliance after depositing of ₹ 2 lakhs by the appellant-Insurance Company.

May 30, 2018
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(RAMENDRA JAIN)
JUDGE

