

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

FAO No. 3171 of 1999 (O&M)

Date of decision: October 16, 2015

Smt. Shanti Devi and others

...Appellants

Versus

Sant Ram and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. CB Goel, Advocate,
for the appellants.

Mr. Pardeep Goyal, Advocate,
for the insurance company.

K. KANNAN, J. (Oral)

1. The appeal is by the claimants whose claim petition was dismissed on failure to prove the accident. It was stated to be a case of the third respondent driving the vehicle against a tree in a bid to steer clear of a cattle straying on the road, which is said to have resulted in death of a male aged 45 years, whose representatives are the claimants. There was no report to the police, no post-mortem conducted and the fact of accident was said to have been brought to the attention of the police for the first time one month later. The driver obligingly stated in the written statement that he was responsible for the alleged accident and he was challaned. The claim petition was filed seeking for compensation against the owner of the vehicle

whose driver had allegedly caused the accident. The Tribunal disbelieved the appellants version and dismissed the petition.

2. Learned counsel appearing on behalf of the appellants says that there are many cases where the FIR is not even lodged and if a person dies instantly on the road, no purpose is served by taking such a person to a hospital. I would take this argument rather to be strange, for, even a cattle killed on a road would receive immediate attention and there would be attempt to ensure if the life could be infused or whether the person who was responsible for killing is brought to book immediately. I take this to be the most unusual human conduct of allowing the dead body found on the road being taken home and cremated the next day. All the more unusual is the fact that the family of the deceased waited for four weeks before they thought of making a complaint. If a mere statement given by the driver did not invoke confidence, the tribunal found that the fact of death of the deceased in the motor accident has not been established, I will not find any extraordinary circumstance or important evidence that has been discarded by the Tribunal to make intervention, particularly when the driver was sot examined and only a written statement filed.

3. The award of dismissal is confirmed and the appeal is dismissed.

October 16, 2015
prem

(K.KANNAN)
JUDGE