

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2860 of 2012 (O&M)
Date of Decision:05.11.2015

Jarnail Kaur and others

....Appellants

Versus

Hari Ram and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Narinder S. Lucky, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate for respondent No.3-
Cholamandalam MS General Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Sangrur (Tribunal for short), vide award dated 15.2.2012, had dismissed the claim petition filed by the appellants. The appeal was filed for reversing the finding in the award and granting compensation as prayed for.
2. The case of the appellants was that Sukhdev Singh, husband of appellant No.1 and father of other appellants, died in a motor vehicle accident which took place on 16.12.2009. He was a Head Constable with Punjab Police.
3. The Tribunal, after scrutinizing the evidence, came to the conclusion that the claim was false and rejected the same.
4. Counsel for the appellants argued that the Tribunal simply dismissed the petition on the ground that initially the particulars of the vehicle were not given and later on the details were disclosed. It was contended that this short point alone was not sufficient to discard the claim as the petition was to be decided on its own merit, independent of the criminal proceedings.
5. Counsel for the Insurance Company argued that a well reasoned award was passed because FIR was lodged against an unknown vehicle and on the recommendations of SHO, Police Station City, Sangrur, a report was filed in

the court of Chief Judicial Magistrate, Sangrur for filing the case as untraced. The request was accepted. However, subsequently Jasbir Singh and Jagdeep Singh made statement and the case was reopened because they stated that one Hari Ram was driving the offending vehicle No.PB-13V-8464.

6. It is seen that the Tribunal rightly came to the conclusion that the claim was false because as per the FIR, Jarnail Kaur, wife of the deceased, claimed that she was an eye witness but she said that an unknown vehicle had brushed against the scooter which the deceased was driving. Jagdeep Singh was the nephew of Jarnail Kaur, on whose statement case was reopened, but he was not examined before the Tribunal.

7. The appellants examined Jasbir Singh, who had also made a statement before the case was reopened. He claimed to be an eye witness stating that he was in the know of the number of the vehicle and name of the driver. He suddenly appeared on the scene, a good 6/7 months after the accident, out of thin air. He could not give any related facts about the accident in the cross examination showing that he was an introduced witness and was not an eye witness. How and from where Jasbir Singh came in the picture was not explained and how he was able to trace the bereaved family also stood unexplained. So many months after the accident, an uncreditworthy story having been put forward by the claimants, the irresistible conclusion would be that the claim was lodged against some insured vehicle and not against the actual offending vehicle, if there was any, or its driver.

8. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

05.11.2015
Ishwar

Whether to be referred to reporter: Yes