

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

FAO-420-1994(O&M)
Date of decision: 27.04.2016

Smt. Shashi Devi @ Sita Devi and another ...Appellant(s)

Versus

State Transport Controller, Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. SPS Avlak, Advocate for
Mr. S.S. Narula, Advocate, for the appellant(s).

Mr. Saurabh Mohanta, DAG, Haryana.

JITENDRA CHAUHAN, J.

This appeal has been filed by the claimants against the award dated 21.07.1993, passed by Motor Accidents Claims Tribunal, Karnal vide which the claim application filed by the claimants was dismissed.

Krishan Chand alias Krishna Nand died in a vehicular accident on 23.04.1991. Shashi Devi alias Sita Devi and Anuj Kumar claiming themselves to be the wife and son of the deceased respectively, filed claim application under Section 166 of the Motor Vehicle Act. It is the case of the appellants that deceased Krishna Nand was pedalling down in the vicinity of village Raipur Roran on GT Road when he was hit by a speeding Haryana

Roadways bus bearing registration No. HR-36-0940 being driven by Ramesh Chand/respondent No.4. The Tribunal dismissed the claim application holding that the claimant No. 1 could not prove that she is wife of the deceased. While appearing in the witness box, she described herself as Shashi Devi. In the same part of the evidence, the word 'Usha' was overwritten. However, at the time of filing the claim petition, she described herself as Smt. Shashi alias Sita Devi. She did not describe her as Usha either in the head note or in the body of the claim petition. She deposed before the Tribunal that her mother-in-law and father-in-law were not alive at the time of her marriage whereas, in the certificate, marked 'B' issued by the Panchayat, it has been mentioned that the last rites of Krishna Nand were performed by his father Ramesh Chand Trivedi. The copy of the family register mentions Shashi Devi without any alias name. The addition of word 'Usha' appears to have been made after the voter list, Ex. P9 came to the notice of the claimants. The Tribunal further held that a women cannot have three names i.e. two alias names at the same time as Shashi Devi had already used Sita Devi as her alias name whereas, in the deposition she added one more alias name as Usha. Considering all the aforesaid facts and circumstances, the Tribunal dismissed the claim petition.

This Court is of the opinion that the finding of fact recorded by the Tribunal does not suffer from any illegality or irregularity. No evidence has been brought on record by the appellants to prove that Smt. Shashi Devi was wife of Late. Krishna Nand. The hollowness of the case of the appellants is exposed by a copy of family register on the file. Though, this document has not been proved in accordance with law, yet this document is being considered to separate grain from chaff. As per this document, Anuj was born on 2.9.1976. He is member of the family of Shiv Narain and is son of Ramesh Chander. This document says that Ramesh Chander father of Krishna Nand is alive though Shiv Narain grand father of Krishna Nand had died on 9.5.1986. In the absence of any cogent and convincing evidence, this Court has no option but to concur with the view taken by the Tribunal.

Consequently, the present appeal is dismissed.

27.04.2016
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(JITENDRA CHAUHAN)
JUDGE