

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

F.A.O. No.2409 of 2000 (O&M)

Date of Decision : 11.03.2016

Santro Devi and others

..... Appellants

versus

Devinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.C. Bhatia, Advocate
for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent No.3.

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?

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award of the Tribunal dismissing the claim petition.

As per the evidence, on 18.03.1995 the deceased was hit with the offending Vicky and fell down. Since he did not appear to have suffered any serious injuries no action was taken. However, five days later suddenly his condition worsened and while he was being brought to the PGI, Chandigarh he died on the way. The Tribunal noticed that the doctor to whom he had been taken on the date of the accident i.e. PW2 had stated that

when the deceased came to him he found that the was only suffering from little giddiness and sent him away even without prescribing any medicine. The Tribunal further noticed that neither any autopsy nor any post-mortem was conducted to ascertain the cause of death after five days of the incident and ultimately held that the claimants-appellants could not prove that the death was caused as a result of the accident.

Learned counsel for the appellants argues that even without medical information of the cause of death the timing shows that the deceased must have died due to the injuries he had suffered in the accident.

Learned counsel for the respondent No.3-insurance company however argues that the assertion made by the learned counsel for the appellants is purely speculative and it is not unknown that a person may have a slight accident which may not result in any substantial injury and 5-6 days later that person may die of a completely unrelated cause and that is why it would not be prudent to hazard any guess on the cause of death in the absence of any medical evidence.

In my opinion, the argument of the learned counsel of the respondent No.3-insurance company carries more weight.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 11, 2016
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(AJAY TEWARI)
JUDGE