

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

FAO No. 3448 of 2002 (O&M)
Date of decision : June 01, 2016

Mohinder Kaur and others,

..... Appellants

v.

Manga Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rishav Jain, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.3.

- 1. Whether Reporters of Local Newspapers 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 order dated 15.2.2002
passed by the MACT Sangrur dismissing the claim petition filed by the
claimants/appellants on account of death of Manjit Singh in a road

accident which took place on 23.4.1996 near bus stand Dugri.

While dismissing the claim petition, the Tribunal was influenced by the following facts :-

- 1) There was no MLR on the record;
- 2) Death had taken place after almost 60 days and there was no post-mortem record to show the cause of death;
- 3) Version of the eye witness-Moti Ram was not credible; and
- 4) FIR was lodged after delay of three months.

Coming first to the issue of accident, counsel for the appellants has argued that as per the testimony of Moti Ram, after the accident took place he informed the father of the injured, and since the injured had not suffered any serious injury and had to go to Vaishno Devi, he left after his father came and returned after 6 to 7 days. However, there is no explanation why no FIR was lodged for a period of three months.

Counsel for the appellants has further argued that the treating doctor had stated that the patient had been brought with history of road side accident.

The Tribunal noticed that in every case of accident if an injured is taken to a government hospital, information is directly sent to the nearest police station but no such information was sent. Even the

description of the injuries by the doctor only reveals that initially the patient was unconscious and had a fracture. Even as regards the question whether the injuries were sufficient to cause death, the treating doctor gave a very equivocal reply stating that the injuries were such which may or may not have been dangerous to life. It cannot be lost sight that even as per the case of the appellants, the deceased was discharged from the hospital on 23.5.1996 and died after 19 days i.e on 10.6.1996. Keeping in view all these facts, it is hard to come to a conclusion that the order of the Tribunal is flawed. Consequently, this appeal is dismissed.

June 01, 2016
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(AJAY TEWARI)
JUDGE