

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

F.A.O. No.2362-1999 (O&M)

Date of decision : 30.03.2016

Premwati and another

..... Appellants

versus

Sukhi Ram and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Shiv Kumar, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3- Insurance Company.

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 judgment and award dated 04.12.1998 whereby the claim petition was dismissed.

The brief facts as alleged in the claim petition are that on 21.04.1996 at about 06.00 PM the deceased was coming from bus stand side on foot and a tractor was coming from Agrz Chowk side and was attached with trolley full of wheat. All of a sudden the tractor trolley turned turtle and the deceased was crushed underneath the tractor trolley due to which he died at the spot.

The Tribunal, however, noticed that there was complete inconsistency not only between the facts which were reported to the police and those which are mentioned in the claim petition but even in the claim petition the registered number of the offending vehicle was given differently at different times. The autopsy was also not done of the deceased but was of an un-known person. Keeping in view all these facts, the Tribunal came to the conclusion that the appellants had not been able to prove that the death of the deceased had taken place in an accident with the alleged motor vehicle in question.

Learned counsel for the petitioners is not in a position to throw any light on these controversial aspects. Consequently, I find no reason to take a different view.

Appeal is dismissed.

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

March 30, 2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**