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

RSA No.5344 of 2015

Date of decision: February 01, 2016

Smt. Manjit Kaur and others

.....Appellants

Versus

Food Corporation of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.S. Kahlon, Advocate
for the appellants.

SABINA, J

Appellants had filed suit for declaration that they were liable to be paid compensation as per Employees (Workmen) Compensation Act, 1923 on account of death of Gurnam Singh while on duty.

The case of the appellants, in brief, was that they were the legal heirs of deceased Gurnam Singh. Gurnam Singh was working with the defendants and had died on 27.03.2009 while on duty. At the time of death, Gurnam Singh was loading the truck. Despite repeated requests, due compensation had not been paid to the plaintiffs.

Defendants in their reply admitted that Gurnam Singh was working with them w.e.f. 01.01.1995 and had died on 27.03.2009 at 8:00 AM while he was loading the truck. There was no postmortem report to ascertain the cause of death. Hence, Gurnam Singh might have died a natural

death. The name of plaintiff No.1 had already been entered at Sr. No.56 in the list for her appointment on compassionate grounds. As and when the term of plaintiff No.1 would come, she would be given appointment on compassionate basis.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether plaintiff is entitled for Declaration as prayed for?OPP
2. Whether plaintiff is entitled for Mandatory injunction as prayed for?OPP
3. Whether present suit is legally not maintainable?OPD
4. Whether plaintiffs have got no locus standi to file the present suit?OPD
5. Whether plaintiffs have concealed material facts from the court?OPD
6. Whether Civil Court at Amritsar has got no jurisdiction to entertain and try the present sui?OPD
7. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 23.04.2013 dismissed the suit of the plaintiffs-appellants. The said judgment/decreed were upheld in an appeal filed by the plaintiffs-appellants by the First Appellate Court vide judgment/decreed dated 06.07.2015. Hence, the present appeal by the appellants.

I have heard learned counsel for the appellants and have gone through the record available on the file carefully.

In the present case, admittedly, Gurnam Singh was working with the defendants and had died on 27.03.2009 while loading the Truck. Appellants had failed to establish on record any postmortem report to show that the deceased had died on account of some injuries suffered by him while he was performing his duty. Plaintiff No.1 appeared in the witness-box as PW1 and deposed as per the contents of her case. Admittedly, appellants had not examined any other witness who was present at the spot to establish that the deceased had died on account of some injuries suffered by him while he was loading the Truck. Rather it has been noticed by the Courts below that plaintiff No.1 while appearing in the witness-box as PW1 had admitted that her husband had died a natural death and her husband had not received any injury during his service nor had died due to strain of work. In view of the above facts, the Courts below had thus, rightly ordered the dismissal of the suit filed by the appellants.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

Februar 01, 2016
mahavir