

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2294 of 1994 (O&M)

Date of decision: 08.02.2017

Lal Chand and another ... Appellants
versus
Deep Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Maninder Saini, Advocate for the appellants.
Mr. G.S. Bal, Senior Advocate with
Ms. Lovinder Kaur, Advocate for respondent Nos. 1 & 2.
Mr. Neeraj Khanna, Advocate for respondent No.3.

HARI PAL VERMA, J. (ORAL)

The appellants-claimants Lal Chand & Mani Ram S/o Bhagwan Dass have filed this appeal against the award dated 02.06.1994 whereby the claim petition filed by them was dismissed. The Tribunal had dismissed the same with the following observations:-

Lal Chand and Mani Ram, the claimants, have not come into the witness-box to establish that they are the sons of deceased Godawari, widow of Bhagwan Dass. In the claim-petition, the age of Godawari has been mentioned as fifty-five years and was gainfully employed. It is further stated in the claim-petition that she was earning Rs.1,200/- per month from sewing and knitting work. It is the duty of the claimants to have established that they are the legal representatives of the deceased by leading necessary evidence. Even otherwise there is nothing on the record to prove the loss suffered by the claimants on account of death of Godawari. In that situation observations made in Smt. Rameshwari and others versus Jaswant Singh and others,

1993 Punjab Law Report-760, would be attracted, because in the above mentioned case the claimants have failed to lead evidence to establish the loss suffered by them on account of death of the deceased and for that reason the appeal was dismissed. Under the circumstances, it has to be held that claimants Lal Chand and Mani Ram are not entitled to receive any compensation amount on account of death of Godawari. This issue is decided accordingly against the claimants.

Learned counsel for the appellants has argued that once the claim petition has been filed and their mother Godawari had died, the Tribunal was required to award compensation.

Having perused the award, this Court find that once the appellants-claimants had not come into the witness box to establish that they are the sons of Godawari, the appellants-claimants are not entitled for any amount of compensation. Their non-appearance in the witness box is sufficient to disentitle them for any amount of compensation.

The appeal is dismissed.

(HARI PAL VERMA)
JUDGE

08.02.2017

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Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No