

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

**FAO No.3316 of 1999 (O&M)
Date of Decision: 11.12.2017**

United India Insurance Company Ltd.

...Appellant(s)

Versus

Hukam Chand and another

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Satpal Dhamija, Advocate
for the appellant.

None for the respondents.

ANITA CHAUDHRY, J.

No one has put in appearance on behalf of respondents No.1 and 2. Though, on one of the earlier dates, memo on behalf of the respondents had been filed.

The submission on behalf of the appellants is that it was a case where there was no FIR or any MLR and the Tribunal has awarded compensation for the injuries only on the oral statement made by the claimant and it had wrongly relied upon a document which was stated to be a resolution passed by the Gram Panchayat.

Record had been received.

Hukam Chand had filed a claim petition seeking compensation for injuries sustained by him in an accident which occurred on 08.03.1997 at 1.00 PM. It is not clear where the claimant remained. His admission in the hospital is on the next date i.e. 09.03.1997. No *ruqa* was sent from the hospital. Only document

placed on record was the certificate given by the Sarpanch on the letterhead. Even the MLR was not produced. It was a case where there is no FIR or MLR.

The Tribunal relied upon a writing made by the Sarpanch which refers to the fact that the accident had taken place. The Insurance Company had carried out an investigation and doubted the case and gave its reasons in the report which was introduced in evidence but was marked. The Insurance Company summoned the Secretary of the Gram Panchayat and he brought the record and stated that there was no resolution of the Gram Panchayat noting that Hukam Chand had met with an accident on 08.03.1997 with the tractor owned by Surjit Singh. The Tribunal believed the oral statement of the claimant and awarded compensation. It was the claimant who had to prove that he had suffered injuries in the accident. He had to prove the involvement of the vehicle and the driver. There is no explanation why he did not go to the police to lodge FIR. There is no MLR. The Medical Officer did not send any *ruqa* to the police. The claimant had failed to prove that he had suffered injuries in the accident caused by respondent No.1. The appeal is allowed. The award is set aside and the claim petition is dismissed.

December 11, 2017*ps-/***Whether Reasoned/Speaking
Whether Reportable****(ANITA CHAUDHRY)
JUDGE****Yes/No
Yes/No**