

In the High Court of Punjab and Haryana at Chandigarh

**F.A.O No. 2582 of 2013
Date of Decision: 13.7.2017**

Darshan Kaur and another

.....Appellants

Versus

Sajju and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Amit Gupta, Advocate
for the appellants.

Mr. Vinod Chaudhry, Advocate for
Mr. Rajesh Verma, Advocate
for respondent No. 3-Insurance Company.

ANITA CHAUDHRY, J

This is the claimants' appeal aggrieved by the dismissal of their claim petition.

Bhagwant Singh met with an accident on 28.4.2009 at about 12.30 at night. As per the pleadings he was taken to the Civil Hospital, Pathankot and subsequently died. The FIR was registered 17 days later on 15.5.2009. The post-mortem of the deceased was not got conducted. At the trial, the claimants examined themselves and tendered report under Section 173 Cr.P.C., photocopy of the FIR and copy of one statement recorded by the police.

The Tribunal noted that the claimants had failed to examine any eye witness and had only tendered the report under Section 173 Cr.P.C. The claim petition was dismissed.

I have heard both the sides and have perused the record. The

claimants have specifically pleaded that their son was admitted in Civil

Hospital, Pathankot and was treated there. The record of the civil hospital was not summoned. No post-mortem examination was carried out. The cause of death was not known. There is no eye witness who could disclose the manner of the accident or the involvement of the vehicle or the driver. It is a case of no evidence. There is no infirmity in the order.

There is no merit in the appeal and is dismissed.

(ANITA CHAUDHRY)
JUDGE

July 13, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No