

**In the High Court of Punjab and Haryana at Chandigarh**

**CM No.22408-CII of 2017 in/and  
FAO No.4914 of 2013 (O&M)  
Date of decision: 24.11.2017**

**Maneeta and others**

**.....Appellants**

**Versus**

**Sunder Singh and another**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present:    Mr. Ajit Kumar Sharma, Advocate for  
                 Mr.R.D.Yadav, Advocate for the appellants.

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**RAJIV NARAIN RAINA, J.(Oral)**

This appeal was filed in September 2013 and the counsel has done little except seeking an adjournment after adjournment. Twice the case has been dismissed in default and then restored. This is an application of the same ilk asking for restoration of the appeal. Mr.R.D.Yadav, Advocate has not appeared and has requested one of his friends to pray for an adjournment. I have gone through the impugned order passed by Motor Accident Claims Tribunal, Rewari on 26.8.2013. The appeal is restored and heard on merits.

The body of the deceased was found on 2.11.2009 with fresh injuries on his head and other parts of the body lying on the spot of occurrence. Deceased Udai Singh was last seen driving a truck bearing registration No.HR 47-2096 on 8.1.2008 carrying a consignment of steel tubes from a company in Bawal headed for delivery at Sonapat. He parked the truck during the night in village

Chandawas and headed for onward journey on 9.1.2008. Nothing was known of Udai Singh for two years till his body was found on 2.11.2009 with fresh injuries in the vital parts of his body which appears to be a case of homicide. The truck was found abandoned on 13.1.2008 in the area of Bhalgarh. As per FIR No.345 registered in Police Station City Narnaul, the deceased injured was lying in an unconscious condition and a lot of blood had oozed to the ground. It was possibly a case of blind murder. The Tribunal found no nexus between death and alleged employment of deceased Udai Singh and the owner of the truck, namely, Sunder Singh. For these reasons, the claim petition has been dismissed. It appears that death occurred in the month of November 2009. The truck was insured with the respondent's Company for the period from 30.11.2007 to 29.11.2008. There was nothing on record to prove as to whether the truck was insured on 2.11.2009. Therefore, neither the owner nor the insurer could be held liable for any compensation, even if the claimants were found entitled to compensation, which is also not the case.

In view of the above facts and circumstances, it is not possible to grant any relief to the unfortunate wife and children of deceased Udai Singh. I have no option but to dismiss the appeal. The appeal is dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

24.11.2017  
Meenu

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No