

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.3043 of 2015 (O&M)

Date of decision: January 12, 2016

Jagwanti and others

... Appellants

Versus

Ravinder Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Parveen, Advocate for
Mr. R.S. Budhwar, Advocate for the appellant.
Mr. Pradeep Kumar, Advocate for respondent No.2.

Rajan Gupta, J.

Appellants have impugned the award dated 03.01.2015, passed by Motor Accident Claims Tribunal, Sonapat, whereby claim petition filed by the appellants has been dismissed.

Learned counsel for the appellants has argued that tribunal has not granted any compensation to the appellant despite the fact that appellants have proved that accident was caused due to accident by use of truck in question. Thus, award passed by the tribunal deserves to be set-aside.

Plea has been opposed by learned counsel for respondent No.2 insurance company. According to him, the tribunal has rightly dismissed the claim petition, as same was not maintainable.

I have heard learned counsel for the parties and given careful

thought to the facts of the case.

Accident occurred in the intervening night of 26/27.06.2012, wherein Gulab Singh had died. DDR No.13 dated 27.06.2013 was lodged in Police Station City Beri, District Jhajjar. A claim petition was filed by the appellants under section 163-A of the Act, seeking compensation. Same has been dismissed by the tribunal by observing that there are contradictions in the statements of PW-2 and PW-3 regarding income of the deceased. Moreover, provisions of Section 163-A of the Act are not attracted.

There appears to be no apparent error in appraisal of evidence by the tribunal. Where income of deceased exceeds Rs.40,000/- per annum, claim petition under section 163-A of the Act would not be maintainable. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 12, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No