

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

411

FAO-1582-1996 (O&M)

Date of Decision : 22.03.2018

Nasib Singh

..... Appellant

Versus

Surjit Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S. P. Garg, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the unsuccessful claimant-appellant whose claim for compensation on account of injuries suffered by him during the course of employment has been rejected.

The case of the appellant was that he was an agricultural labour with the respondent and on 11.02.1989 while he was feeding sugarcane in the Gulhari his left hand was caught into the machine and he lost half of the same. The case of the respondent on the other hand was that he had never appointed the appellant as an agricultural labourer and therefore there was no question for him being liable to pay any amount to the appellant. The appellant himself and one Avtar Singh also appeared as his witness. Both of them asserted that the claim was correct. On the other hand the respondent appeared alongwith one Jarnail Singh as his witness and both of them asserted that the appellant was never appointed by the respondent. It was in these circumstances that the Commissioner held that the appellant had not been able to prove his case and dismissed his claim petition.

The only argument raised by counsel for the appellant is that it has come in the evidence that the appellant is a very poor person while the respondent is an influential person who at that point of time was the Sarpanch of the village and it is inconceivable that a poor person would file a false case against the Sarpanch of the village.

In my considered opinion, the poor/influential dichotomy cannot be taken as proof. From the material on record, the only conclusion that can be drawn by the court is that there are equal chances that both the parties are correct. Consequently, there is no preponderance of probability.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 22, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No