

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO-2299-2014

Date of decision: 27.04.2018

Bitu

...Appellant

V/s.

Mohinder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Bhim Singh, Advocate for the appellant.

Mr. D.K. Prajapati, Advocate for insurance co.

Ms. Kamlesh, Advocate for  
Mr. Parminder Singh, Advocate for respondent No. 13.

Mr. Rajbir Singh, Advocate for  
Mr. Sanjeev Goyal, Advocate for respondent No. 14.

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**RITU BAHRI, J. (Oral).**

The present appeal has been filed by respondent No. 9-Bitu, against the award dated 19.03.2014 passed by learned Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal') whereby her request for grant of compensation on account of death of deceased Vakil is declined.

Brief facts of the case are that on 07.02.2011, Vakil (since deceased) had started his journey in the three wheeler No. HR-55D-9548 from Palwal to Hathin, and as soon as he reached near village Durga Pur, a Maruti car bearing registration No. HR-50B-6767 being driven by Raja Ram came from the opposite side and struck against his three wheeler which resulted into serious injuries and finally he died.

The appellant had filed an application under Order 1 Rule 10 CPC which had been allowed at the stage of rebuttal evidence and thereafter she examined AW 3 Hardeva who stated that she had been married to Vakil about 20 years back. However, this witness while appearing for the claimants as PW 5 did not disclose that Vakil was ever married. Appellant Bitu, AW 3 Hardeva and respondents are residents of the same basti. Aadhar card-R3 was the only evidence led by the appellant to show that she was married to Vakil. Even Aadhar card was got issued by her father after the death of Vakil. Insurance company has also investigated the matter and as per the report of investigator Narender Pal who had appeared as RW 4 proved his report Ex. R7 as per which Vakil was 30 years of age and was unmarried. The version put by the present appellant was that she got married with Vakil 20 years back and as per the postmortem report, Vakil was 30 years of age. Hence, she could not have married with him when she was 10 years of age. The other evidence led by the appellant is AW4 Sunita her real sister. In the absence of any cogent evidence, the Tribunal had rightly discarded her claim.

I do not find any merit in the appeal.

Dismissed.

**(RITU BAHRI)**  
**JUDGE**

**April 27, 2018**  
Divyanshi

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