

219

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

FAO-6240-2014

Date of decision : 01.02.2018

Santra and others

... Appellant(s)

Versus

Shyam Sunder and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mukesh Yadav, Advocate
for the appellants.

AMIT RAWAL, J. (ORAL)

The appellants-claimants are aggrieved of the award dated 22.10.2013 rendered by the Tribunal, whereby the claim petition seeking compensation on account of death of Kishan Lal, who unfortunately died in a road accident occurred on 04.12.2011, at the age of 55 years, has been dismissed.

Learned counsel for the appellants-claimants submits that in the claim petition, the name of the driver was to be disclosed by the owner, who was arrayed as respondent No.1, much less, the particulars of the Insurance Company. The Tribunal has erroneously dismissed the claim petition as the owner placed on record the material i.e. Railway Ticket, copy of check-in/check out ledger of Sapta Shakti Holiday Homes, Jaipur, copy of credit card of Indian Overseas Bank and copy of bank statement from 01.12.2011 to 31.12.2011 to show that he had gone to Jaipur on 04.12.2011, in his vehicle involved in the alleged accident to show that the vehicle was not

involved in the accident, which had occurred on Rewari Road, Ateli Mandi, District Mohindergarh, but he submitted that the statement of the eye-witness, which identified the accident, has been ignored by the Tribunal, thus, urges this Court for setting aside the award, under challenge.

I have heard the learned counsel for the appellants-claimants and appraised the paper book and of the view that viz-a-viz the oral testimony of the eye-witness, sufficient documentary evidence, as noticed above, has been placed on record to establish that the owner was not in the area where the alleged accident had been taken place, much less, his vehicle. All these documents weighed in the mind of the Tribunal to form the opinion for the purpose of dismissal of the claim petition. Once the vehicle arrayed in the accident was not involved, in my view, the Tribunal has rightly dismissed the claim petition.

For the foregoing reasons, I do not find any illegality and perversity in the award, under challenge, much less, no ground is made out for interference and accordingly, the appeal is dismissed.

01.02.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

✓

Whether Reportable Yes/ No