

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

**FAO-985-2006
Date of decision: 16.07.2019**

Brahm Pal and another**...Appellants**

V/s.

M/s. Jagjit Bus Service and others**...Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: None for the appellants.

Mr. Pradeep Kumar, Advocate
for respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

The appellants have come up in appeal against the award of the Motor Accident Claims Tribunal dated 27.08.2005 whereby their claim petition under Section 163-A of the Motor Vehicles Act, 1988 for grant of compensation has been dismissed.

The Tribunal, after going through the evidence led by the parties came to a conclusion that the claimants did not lead any evidence with regard to post mortem of the dead body and no report was lodged with the police. They relied only upon Ex. AW/2/A which was death certificate of Sanjiv Kumar and this certificate bears signatures of some Tarsem Singh Chowkidar, who was never examined by the appellants. No date of issuance of certificate was mentioned. Death was alleged to have occurred on 04.05.2003. However the registration of death was made on 08.05.2003 as per death certificate. The death certificate could not be issued by

Chowkidar. The accident took place on 04.05.2003 and the claim petition was instituted on 06.12.2004 i.e. after a delay of one and a half year. In the present case, the insurance company has disputed the accident itself as no report was lodged with the police and there was no post mortem report. The only eye witness Nirvail Singh appeared and he also did not give the name of Lakhwant Singh-respondent in his affidavit and he did not report to the police. No other person of the village of the deceased has been examined who could say that any compromise was made by the owner of the bus to compensate the claimants.

In view of the above, no case was made out to entertain the claim petition under Section 163-A as the claim petition has been rightly dismissed.

Dismissed.

(RITU BAHRI)
JUDGE

16.07.2019
Divyanshi

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