

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

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FAO No.1157 of 2017 (O&M)

Date of decision: 08.07.2019

RAJ KAUSHIK

... Appellant

Versus

SURJIT SINGH AND ANR.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 24.09.2014 passed by the Motor Accidents Claims Tribunal, Kurukshetra whereby compensation has been assessed on account of injuries sustained by Sandeep respondent No.2 in a motor vehicular accident that took place on 12.01.2012.

The sole submission made by counsel is that alleged offending car met with an accident in the year 2010 in which husband of the appellant sustained injuries that proved fatal. It is further argued that with regard to damage to the car, claim was preferred with the insurance company with whom the vehicle was insured at the relevant time and compensation was paid. According to counsel, the damaged car was sold in junk by the company and as such, liability to pay compensation has wrongly been saddled upon the appellant.

Apart from the fact that the appeal has been preferred after delay of 730 days and till date no amount has been paid by the appellant to the injured victim, the same is not meritorious and deserves to be dismissed.

Perusal of the records would reveal that the appellant (respondent No.2 therein) was proceeded against ex parte before the Tribunal. Counsel for the appellant has sought to rely upon certain documents which are appended as annexures with the appeal. These documents cannot be considered for want of originals or proving the same in accordance with law. In this view of the matter, appellant cannot derive

any advantage to her contention from the documents sought to be pressed into service for assailing the award.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

08.07.2019

ashok

(REKHA MITTAL)
JUDGE

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