

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

FAO No.4712 of 2019

Date of Decision:23.1.2020

Naresh (Since deceased through LR.s.)

...Appellants

Versus

Vinod Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: None

RAJIV NARAIN RAINA, J. (ORAL):

1. The present appeal has been filed against the impugned award dated 25.4.2019 passed by the Motor Accident Claims Tribunal, Jhajjar (for short, 'the Tribunal'), whereby claim petition of the appellants was dismissed.

2. This is an appeal arising out of an application under Section 163-A of the Motor Vehicles Act, 1988. Hence, there is no question of negligence.

3. The Tribunal found that alleged vehicle of respondents No.1 and 2 was involved. The accident was caused when the tyre of the bus burst and due to the impact, Naresh Kumar alleged that he sustained injuries for which he sought compensation. There was no evidence or disability certificate produced on record. After filing the case, the appellant-petitioner is stated to have expired. There was no post mortem report nor any document on record to connect accident with the injury or the death. The

onus was upon the petitioner, which he failed to discharge. In these

circumstances, the Tribunal had no option but to dismiss the claim application.

4. I find no reason to dis-agree with the findings of the Tribunal. Even if the counsel had been present to argue the matter, it would have made no difference to the conclusion.

5. The appeal is dismissed accordingly.

January 23, 2020
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(RAJIV NARAIN RAINA)
JUDGE

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