



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

212

**FAO-714-2007 (O&M)**

**Date of Decision:** October 16, 2024

**Rani and another**

**.....Appellant(s)**

**Vs.**

**Amarjeet Katyal and another**

**.....Respondent(s)**

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Ashit Malik, Advocate  
for the appellant(s).

Mr. Suvir Dewan, Advocate  
for the Insurance Company

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**SUDEEPTI SHARMA J. (ORAL)**

This is an old matter pertaining to the year 2007 but no one has put in appearance on behalf of the Insurance Company.

2. Previously vide order dated 18.07.2024 passed in FAO No.1682 of 2007, this Court had already issued directions to the Insurance Companies that in the event, any of their empanelled counsel fails to appear, this Court would request the counsel empanelled with the Insurance Company, who is present in the Court to assist in the matters. Further, the concerned Insurance Companies were directed to disburse the current scheduled fees to the counsel engaged by this Court for assisting in the matters.

3. On the asking of the Court, Mr. Suvir Dewan, Advocate accepts notice on behalf of respondent-Insurance Company.

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4. Learned counsel for the appellants has handed over copy of the paper-book alongwith relevant record to the learned counsel for respondent Insurance Company-Mr. Suvir Dewan, Advocate.

5. In view of the order dated 18.07.2024 passed in FAO No.1682 of 2007, the Insurance Company is directed to disburse the current scheduled fees to Mr. Suvir Dewan, Advocate, the counsel engaged by this Court in the present case.

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The present appeal has been preferred against the award dated 17.08.2006 passed in the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which the claim petition filed by the appellants/claimants for grant of compensation, was dismissed.

2. Since the present appeal is partially burnt case, the detail reproduction of facts from the award is not required to be mentioned.

**FACTS NOT IN DISPUTE**

3. The brief facts of the case are that Dishant @ Sunny son of the appellants died due to electrocution by coming into connect with the hanging loose electric wire on 24.04.2003. As per the award, he in order to answer the query of driver of truck No.HR-45-2646 opened the conductor side door, he came into contact with the electric wire which was hanging loose and the current passed through the truck because of which the son (Dishant @ Sunny) of the appellants died.



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4. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim-petition. Hence the claimants/appellants filed the present appeal for grant of compensation.

**SUBMISSIONS OF THE LD. COUNSELS FOR THE PARTIES**

5. The learned counsel for the claimants-appellants contends that the claim petition of the appellants was dismissed without appreciating the oral as well as documentary evidence on record. He further contends that under Section 163-A of the Act, it is the involvement of the vehicle which is required to be proved.

6. *Per contra*, Ld. Counsel for the respondents argues on the lines of the award and contends that the award has rightly been dismissed by the Ld. Tribunal. Therefore, he prays for dismissal of appeal.

7. I have heard learned counsel for the parties and perused the whole record of this case.

8. A perusal of the record shows that loose hanging live electricity wire had come into contact with the truck. When Dishant @ Sunny touched the window of conductor side of truck, he was electrocuted and died on the spot.

9. As per the post mortem report, Dishant @ Sunny died due to electrocution. There is nothing on record to show that in any manner, there is any involvement of the truck in electrocution of Dishant @ Sunny.

10. In view of the above, I do not find any infirmity in the award dated 17.08.2006 and the same is upheld. The present appeal is ***dismissed*** being devoid of any merits.

11. Before parting with the judgment, this Court extends its appreciation to Mr. Suvir Dewan, Advocate, for his able assistance to the Court



in the present matter. The Insurance Company is hereby directed to disburse the current scheduled fees to Mr. Suvir Dewan, Advocate, within a period of ten days from the date of receipt of the copy of this judgment.

12. All the pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)  
JUDGE

October 16, 2024  
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|----------------------------|----------|
| Whether speaking/reasoned: | Speaking |
| Whether reportable         | Yes / No |