



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

238**FAO-3564-2013 (O&M)****Date of Decision : 20.08.2024****SURESH KUMAR****.... Appellant****VERSUS****RAM MEHAR AND ORS****.... Respondents****CORAM : HON'BLE MRS. JUSTICE ALKA SARIN****Present :** Mr. Sanjiv Gupta, Advocate for the appellant.

Mr. Ramesh Sindhar, Advocate for respondents No.1 and 2.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred challenging the award dated 06.05.2013 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') whereby the claim petition filed by the claimant-appellant herein was dismissed.

2. Since the factum of accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted herein for the sake of brevity. The only dispute in the present case is as to whether the claimant-appellant herein is the adopted son of Beg Raj who died in a motor accident on 04.11.2010. The claim petition was filed by the claimant-appellant herein claiming himself to be the adopted son of the deceased-Beg Raj. The Tribunal vide the impugned award held that there was no documentary proof on the record to prove the adoption and hence

dismissed the claim petition. Aggrieved by the same, the present appeal has been preferred by the claimant-appellant.

3. Learned counsel for the claimant-appellant would contend that affidavit of the brother of the deceased was placed on the record wherein it was clearly stated that the claimant-appellant herein was the adopted son of Beg Raj and hence the Tribunal has erred in dismissing the claim petition.

4. *Per contra*, learned counsel for respondent No.3-Insurance Company has pointed out that there was not an iota of evidence on the record barring the oral testimony of Om Parkash that the claimant-appellant herein was the adopted son of Beg Raj (since deceased).

5. I have heard the learned counsel for the parties.

6. In the present case the claimant-appellant had approached the Motor Accident Claims Tribunal averring that he was the adopted son of Beg Raj and claimed compensation for his death in a motor accident. The Tribunal held that there was no documentary proof regarding the adoption and infact the ration card of Beg Raj, prepared on 30.10.2007, did not mention the name of the claimant-appellant herein and that the ration card of the claimant-appellant also did not mention the name of Beg Raj. Besides that, no other document/evidence regarding school admission certificate or any other document depicting the claimant-appellant herein to be the adopted son of Beg Raj was placed on the record. In the absence of any documentary evidence to show that the claimant-appellant was the adopted son of Beg Raj, the claim petition has rightly been dismissed by the Tribunal.

7. In view of the above, I do not find any merit in the present appeal.

The appeal, being devoid of any merits, is accordingly dismissed. Pending applications, if any, also stand disposed off.

20.08.2024	(ALKA SARIN)
<i>Aman Jain</i>	JUDGE
<i>NOTE:</i>	<i>Whether speaking/non-speaking: Speaking</i>
	<i>Whether reportable: Yes/No</i>