

(2017) 04 RAJ CK 0237
In the Rajasthan High Court
Case No : 716 of 2015

Velji

APPELLANT

Vs

Natwar Lal & Ors

RESPONDENT

Date of Decision : 03-04-2017

Acts Referred:

[Motor Vehicles Act, 1988](#), [Section 173](#),
[Section 173](#) - Appeals

Citation : (2017) 04 RAJ CK 0237

Hon'ble Judges : Goverdhan Bardhar

Bench : SINGLE BENCH

Advocate : G.S. Rathore

Judgement

1. This Civil Misc. Appeal has been filed by the appellant under Section 173 of Motor Vehicle Act, 1988 against the award dated 22.01.2015, passed by the learned Additional District and Sessions Judge CUM Motor Accident Claim Tribunal, Dungarpur, Camp Sagwara, whereby the claim petition filed by the present appellant has been dismissed.

2. Learned counsel for the appellant argued that it is not disputed that the deceased Mogi was the wife of the appellant. Merely due to the fact that in the job card and other documents, the name of the mother of the deceased was mentioned. The learned tribunal erred in holding that the appellant husband is not entitled for amount of compensation in the accident.

3. I have perused the entire record and impugned judgment/award dated 22.01.2015 passed by the learned tribunal.

4. In this matter, on account of death of Smt. Mogi W/o Velji(present appellant) in the accident two claim petitions were filed. First Claim Petition No.90/2012 was filed by the mother of the deceased Smt. Mogi and another Claim Petition No.111/2011 was filed by the Velji S/o Bakor Kumhar alleging himself to be the husband of deceased. The learned tribunal consolidated both the petitions and

decided by the impugned judgment/award dated 22.01.2015. It is not in dispute that first information report of the accident was lodged by brother of the deceased Smt. Mogi who was living with the mother at the time of the accident

5. On the basis of evidence produced before the tribunal in para No.20, the learned tribunal had come to the conclusion as under:- "VERNACULAR MATTER OMITTED"

6. The learned tribunal further held that on the basis of the documents Ex.19, 21, 24, 25, 26 & 27, it is found that deceased Smt. Mogi was living/staying with her mother and mother was only dependent upon deceased; the petitioner failed to prove/establish his relationship with the deceased. The conclusion derived by the learned tribunal is based on proper appreciation of the evidence on record.

7. In view of the above, the learned tribunal rightly dismissed the Claim Petition No.111/2011 filed by the Velji and allowed the Claim Petition No.90/2012 filed by the mother of the deceased. I do not find any ground to interfere in the impugned judgment/award dated 22.01.2015 passed by the learned tribunal.

8. Hence, the appeal is dismissed without force.