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GEETHA & ANOTHER Appellants
Through : Ms. K.R. Chitra, Adv.

versus

BALBIR SINGH & ORS. Respondents
Through : None.

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby their claim petition was dismissed by the learned Tribunal.
2. The accident dated 19th June, 1989 resulted in the death of Parashwanath. The deceased was survived by his widow and mother who filed the claim petition before the learned Tribunal.
3. The learned Tribunal dismissed the claim petition on the ground that the claimants could not produce any eye-witness to prove the accident.

4. Section 168 of the Motor Vehicles Act provides that the learned Tribunal shall conduct an inquiry into the claim petition. Section 169 of the Motor Vehicles Act provides that the learned Tribunal shall follow such summary procedure as it deem fit to conduct such an inquiry. The inquiry stipulated in Section 168 of the Motor Vehicles Act is different from the civil trial. Section 168 of the Motor Vehicles Act casts a duty on the learned Tribunal to conduct an inquiry in a meaningful manner. The object of the legislature behind making this provision is that the victims of road accident are not left at their own mercy. However, no such inquiry has been conducted in this matter.

5. The appeal is allowed and the impugned award of the learned Tribunal is set aside. The case is remanded back to the learned Tribunal to conduct a proper inquiry under Sections 168 and 169 of the Motor Vehicles Act. The learned Tribunal may summon the Investigating Officer and the criminal record pertaining to this case while conducting such an inquiry.

6. The parties are directed to appear before the learned Tribunal on 23rd November, 2009.

7. The LCR be returned forthwith.

J.R. MIDHA, J

OCTOBER 21, 2009

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