

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

CR No. 2354 of 2015 (O&M)

Date of decision: November 3, 2015

Nirmal Singh and others

...Petitioners

Versus

Jitender Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Present: Mr. Gautam Kaile, Advocate,
for the petitioners.

Mr. Ashish Yadav, Advocate,
for respondents No. 3.

K. KANNAN, J. (Oral)

1. Service of respondents No. 1 and 2 is dispensed with since they had no objection even before the court below for allowing the application for amendment in claim petition.

2. The learned counsel for the petitioners says that the amendment was not properly done in referring to the monthly income of the deceased at Rs. 32,000/- when the monthly income was Rs. 3200/-. It was stated in the petition under Section 166-A of the Motor Vehicles Act. There is no such provision under the Motor Vehicles Act. I reckon this to be a petition under Section 163-A of the Act. If it were to be construed as such a claim for compensation for a person whose income was more than Rs. 40,000/- per

year, it would not be competent. Even if I were to allow for any such modification one must note that the petition cannot be prosecuted under Section 163-A of the Act. The main claim petition would require to be dismissed and disposed of as such. The petitioners are at liberty to file their own petition claiming compensation under any other provision of law which does not cap the entitlement to person whose income is more than Rs. 40,000/-.

3. The revision petition is disposed of with the above observation.

November 3, 2015
prem

(K.KANNAN)
JUDGE