

CR No.2850 of 2014 (O&M)

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

**CR No.2850 of 2014 (O&M)
Date of decision:10.09.2015**

Karan Singh

...Petitioner

Versus

Motor Accidents Claims Tribunal and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. J.P.Sharma, Advocate,
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner is aggrieved against the order dated 24.09.2013 passed by the Motor Accidents Claims Tribunal, Narnaul (hereinafter referred to as the "Tribunal") on an application filed by him under Section 152 of the Code of Civil Procedure, 1908, for seeking correction in the award.

It is briefly stated that one Sher Singh died in a motor vehicular accident on 01.06.1995, leaving behind his widow Imarti, two sons and parents. The legal heirs of Sher Singh filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, before the Tribunal, which was allowed and an amount of ₹1,92,000/- was awarded to all the claimants in equal shares. Accordingly, a sum of ₹48,000/- fell to the share of the

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petitioner, which was got deposited by the Tribunal in the FDR as he was minor at that time. After attaining the age of majority, the petitioner filed an application before the Tribunal, alleging that he was in the womb of his mother at the time when his father had expired. He was born on 13.06.1995 and was allegedly called as Dharam Pal, but later on his Namkaran Sanskar took place and he was named as Karan Singh. The application filed by the petitioner has been dismissed on the ground that the age of Dharam Pal has been mentioned in the claim petition as 5 years when it was filed on 26.07.1995, whereas he was only 1 month and 13 days old at that time.

Counsel for the petitioner has submitted that there is no dispute that Sher Singh has left behind two sons. The problem has now arisen while realizing the money deposited in the FDR because the petitioner is being called as Karan Singh and is recorded as such at many places with this name and there is no such person in the name of Dharam Pal in the family of Sher Singh. It is submitted that when the application for correction was filed, the reply was filed by other members of the family like his mother Imrati and others who have admitted that at the time when the petition was filed, the name of the petitioner was mentioned as Dharam Pal, but after his Namkaran Sanskar, he is being called as Karan Singh and there is no such person by the name of Dharam Pal in the family of Sher Singh.

In view of the entire facts and circumstances and especially the fact that the compensation of ₹48,000/- is to be realized by the members of the family of Sher Singh which is lying deposited in the FDR by order of the Tribunal and no other person has come forward with the name of

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Dharam Pal to realize that money and the said money has to go, in any case, to the family of Imrati (widow of Sher Singh) who have raised no objection and have rather alleged in their reply to the application that the petitioner is in fact Karan Singh @ Dharam Pal, the present revision petition is hereby allowed and the impugned order passed by the Tribunal is set aside. It is further directed that the necessary correction be made in the claim petition filed by the petitioner as well as in the order/award passed by the Tribunal and the amount deposited in the FDR of ₹48,000/- along with interest be released to the petitioner forthwith.

September 10, 2015
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(Rakesh Kumar Jain)
Judge