

FAO No.2283 of 2007 (O&M)

[1]

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

**FAO No.2283 of 2007 (O&M)
Decided on : December 15, 2015**

Brahm Dutt and another

...Appellants

Versus

Banwari Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. J.K. Shehrawat, Advocate,
for respondents No.1 to 5.

1. *Whether Reporters of Local Newspapers 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?*

JASPAL SINGH, J. (ORAL)

Undisputably, on account of injuries sustained in a vehicular accident on May 15, 2003, involving truck bearing registration No.HR-55-A-6041, Om Parkash preferred a petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'Act'). During the pendency of the said petition before the learned Tribunal, Narnaul, Om Parkash breathed his last. But to the utter surprise, the learned Tribunal has awarded compensation taking into consideration, the death of Om Parkash having been occurred

FAO No.2283 of 2007 (O&M)

[2]

due to the injuries received by him in the accident. In fact, the petition was not got amended to the effect that the death of Om Parkash has occurred on account of injuries sustained by him in a vehicular accident or that the injuries have a direct nexus which led to his death. Thus the learned Tribunal has grossly erred in law while awarding the compensation on account of death of Om Parkash which was never claimed through the petition preferred by him or prosecuted by his legal heirs.

In view of above, instant appeal is accepted/allowed whereby award dated September 16, 2006 passed by learned Tribunal, Narnaul is set aside. The matter is remitted to the learned Tribunal for fresh decision and in the alternative liberty is granted to the claimant(s) to file afresh petition under the provisions of the Act.

December 15, 2015

Ankur

**(JASPAL SINGH)
JUDGE**