

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 12.10.2015.

1) **FAO No. 1677 of 2012 (O&M)**

Sinderpal Singh Appellant.

Versus

Amarjit Kaur and others Respondents.

2) **FAO No. 2045 of 2012 (O&M)**

Sinderpal Singh Appellant.

Versus

Jaswinder Kaur and others Respondents.

3) **FAO No. 2091 of 2012 (O&M)**

Karamjit Singh Appellant.

Versus

Amarjit Kaur and others Respondents.

4) FAO No. 2092 of 2012 (O&M)

Karamjit Singh Appellant.

Versus

Jaswinder Kaur and others Respondents.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Kulbhushan Raheja, Advocate, for the appellant
in FAOs No. 1677 and 2045 of 2012.

Mr. S.S. Gill, Advocate, for the appellant
in FAOs No. 2091 and 2092 of 2012.

Ms. Shivani Singla, Advocate, for
Mr. Jatinder Singla, Advocate, for respondents No. 1 and 2 in
FAOs No. 2091 of 2012 and for respondent No. 5 in FAO No.
2045 of 2012.

NAVITA SINGH, J. (ORAL)

It is submitted by counsel for the appellant that it was held by the Motor Accidents Claims Tribunal, Sangrur, in para No. 17 of the award in MACT Case No. 69 of 2009, that the accident took place due to rash and negligent driving of the TATA Sumo, i.e. vehicle No. DL8CB-6164, whereas in another award passed in MACT Case No. 92 of 2007, it was held relating to the same accident, that Balkar Singh had died due to rash and negligent driving of Maruti Zen car bearing No. HR41-7806 and also for the rash and negligent driving of the TATA Sumo mentioned above. The Tribunal, therefore, in one of the cases held that only the driver of TATA Sumo was liable while in another award held that the drivers of both the vehicles, i.e. TATA Sumo and Maruti Zen car, were liable for the accident.

In view of the above, the request of counsel for the parties, to send the case back for clarification of the contradiction, is accepted being reasonable. Accordingly, the impugned award is set aside in all these appeals. The case is remanded to the Motor Accidents Claims Tribunal, Sangrur, for clarification of the above mentioned contradiction. The Tribunal is directed to pass fresh award in all the claim petitions as per law within three months from the date of receipt of copy of this order. Statutory amount deposited by the appellants be refunded to them.

A copy of the order be placed on the file of all the connected cases.

**(NAVITA SINGH)
JUDGE**

12.10.2015
Ramesh