

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

CR No. 1919 of 2016

Date of decision :15.03.2016

Union of India Northern Railway and another

..... Petitioners

Versus

Mahender and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. K.K.Kahlon, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the judgment and decree dated 27.08.2015 passed by the learned Civil Judge (Sr. Division), Rohtak, whereby the suit filed by the petitioner for recovery of Rs. 2,42,000/- along with interest has been dismissed.

2. It is not disputed that the judgment and decree passed by the Civil Judge is appealable under Section 96 of the Code of Civil Procedure, 1908 (for short 'CPC'). Learned counsel for the petitioner has drawn my attention to some observations made by the learned Civil Judge that the Civil Court has no authority to conduct the apportionment of the compensation amount awarded by Motor Accident Claims

Tribunal between the defendants and it cannot sit as a Court of appeal and for that purpose, the plaintiffs were required to approach the High Court for fixation of the separate liability of the plaintiffs and defendants. These observations appear to be only made by the learned Civil Judge only with respect to the award passed by the Motor Accident Claims Tribunal. These observations can not override the statutory provisions of the Civil Procedure Code, where the remedy of appeal has been provided against the decree passed by the Civil Judge.

3. So, the present revision petition being not maintainable, is hereby dismissed.

15.03.2016

S.khan

**(DARSHAN SINGH)
JUDGE**