

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

Civil Revision No. 3927 of 2016(O&M)

Date of Decision: June 2 , 2016.

Narinder Kaur

..... PETITIONER (s)

Versus

Inder Kaur

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vivek Suri, Advocate
for the petitioner.

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?

LISA GILL, J.

Challenge in this revision petition is to order dated 19.04.2016 whereby the application for review of award dated 03.07.2015 passed by the Motor Accident Claims Tribunal, Patiala has been accepted and the respondent/applicant has been allowed to share 35% of the compensation amount awarded to the petitioner.

A claim petition was filed by the petitioner and on behalf of her minor daughter under Section 166 of the Motor Vehicles Act, 1988 claiming compensation on account of the death of her husband. She had not arrayed her mother-in-law as a party in the said claim petition. Award

dated 03.07.2015 was passed in favour of the petitioner and her daughter. On an application moved by the petitioner's mother-in-law Inder Kaur praying for review of award dated 03.07.2015 passed in favour of the petitioner, Narinder Kaur and her minor daughter Ramanjot Kaur @ Amarjot Kaur, the learned Tribunal vide impugned order dated 19.04.2016 directed that out of the 75% compensation awarded to petitioner – Narinder Kaur on account of the death of her husband, 35% of the same shall be released to respondent – Inder Kaur, who is admittedly the petitioner's mother-in-law. Thereafter, execution of the award was sought by the respondent which is stated to be pending for 11.06.2016. Faced with the difficulty of impugned order dated 19.04.2016 being an ex parte one and considering that no steps have been taken by the petitioner for having the ex parte order set aside or varied, learned counsel for the petitioner prays for liberty to take appropriate steps.

It is specifically stated by learned counsel for the petitioner that the petitioner has no objection to depositing 20% of the compensation out of her share of 75% alongwith the interest component that she may have received, in favour of the respondent, mother-in-law.

Keeping in view the abovesaid facts and circumstances, this petition is disposed of with liberty to the petitioner to take appropriate steps, if so advised, for setting aside of the ex parte order dated 19.04.2016 subject to deposit of 20% of her share alongwith interest component that she may have received. Application for condonation of delay, if any moved by the petitioner, may be considered sympathetically by the learned

Tribunal.

It is reiterated that such application shall be entertained only if accompanied by the deposit of the share of compensation as mentioned above.

June 2 , 2016.
'om'

(LISA GILL)
JUDGE