

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4890 of 2007 (O&M)

Date of decision : February 03, 2016

Smt. Guddi and others,

..... Appellants

v.

Shyam Lal and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vivek Goel, Advocate and
Mr. RC Chauhan, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for the respondent-Insurance Company.

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 ?**

Ajay Tewari, J (Oral)

Counsel for the appellants states that out of this accident, two claim petitions had arisen, one was the present claim petition bearing MACT No.161 of 2004 titled as Narender (deceased) through LRs vs Shyam Lal etc., and the second was the claim petition bearing MACT No.109/23.5.2006, titled as Ajit Singh vs Shyam Lal etc. Both the claim petitions came up before different Courts and while the present claim petition was dismissed, the other claim petition was allowed. As per him, the ground taken for dismissing the present claim petition was that challan had not been presented and only the FIR was there and now even challan

has been presented.

In the circumstances, counsel for the appellants prays that the Award be set aside and the matter be remanded back to the Tribunal for a fresh decision.

Counsel for the Insurance Company has accepted the factual assertions but argues that there are other grounds also which dis-entitle the appellants from getting any compensation.

In my opinion, the other grounds can very well be taken before the Tribunal but at this stage, it would be in the interest of justice if the Award is set aside and the matter is remanded back to the Tribunal for decision on merits. Ordered accordingly. Let the record of this case be sent back forthwith. Parties through their counsel are directed to appear before the MACT on 28.3.2016.

February 03, 2016
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(AJAY TEWARI)
JUDGE