

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

Sr. No.113

**Civil Revision No. 1762 of 2017
DECIDED ON: March 14, 2017**

Rani Devi & others

..PETITIONERS

VERSUS

Sandeep Kumar & others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pawan Attri, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of the instant revision petition preferred under Article 227 of the Constitution of India, petitioners have sought setting aside the order dated October 10, 2016 (Annexure P-3) passed by learned Motor Accident Claims Tribunal, Kaithal vide which an application for correction of name of father of claimants No.5 to 8 from Sukhbir Singh to Parveen (Annexure P-2) has been dismissed.

The contention of learned counsel for the petitioners is that Smt. Rani Devi was married to Sukhbir Singh and after his death she performed Kareva marriage with his younger brother Parveen and the claimant Nos.5 to 8 were born out of the wedlock of Smt. Rani Devi and Parveen. The Insurance Company has already deposited the amount of compensation so awarded by learned Tribunal, but at the time of withdrawal of the said amount, it came to light that the father's name was wrongly

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mentioned as Sukhbir Singh in place of Parveen. As such, they could not withdraw the amount.

In view of the above contention, this court is of the considered view that it cannot be said that the correction of name of father of claimants No.5 to 8 would amount to review of the award, rather it is necessary for the proper and effective adjudication of the award. Thus, the impugned order dated October 10, 2016 being not sustainable in the eyes of law is set aside and the learned Tribunal is directed to pass an appropriate order on the application (Annexure P-2) moved by the petitioners after considering the above facts and documents.

Disposed of accordingly.

March 14, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned **Yes**

Whether reportable **No**