

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

FAO-2720-2002
Date of decision: 12.09.2017

Lajjo Devi and another

.... Appellants

Versus

Bhupinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Bhag Singh, Advocate
for the appellants.

Mr.R.C.Gupta, Advocate
for respondent No.3.

Avneesh Jhingan, J.

Present appeal has been preferred by the claimants against the award dated 21.12.2001 passed by Motor Accidents Claims Tribunal, Kurukshetra (hereinafter referred to as the 'Tribunal').

On 16.10.1999 an accident occurred near Liberty Chowk, Karnal, between Yamaha motorcycle bearing registration No.HR-41-4690 and bus bearing registration No.HR-07-PA-0105. The motorcycle was being driven by Baljeet and Satpal was a pillion rider. As a result of the accident, both the driver and the pillion rider lost their lives.

The claim petition under Section 166 of the Motor Vehicles Act, was filed by the parents and the sister of Satpal before the Tribunal at Kurukshetra. The Tribunal vide award dated 21.12.2001 after considering the witnesses and evidence held that rash and negligent driving of offending vehicle was not proved and hence only awarded Rs.50,000/- along with interest @ 9% per annum under no fault liability.

Aggrieved of the said award, the present appeal has been filed by the claimants-appellants.

Learned counsel for the appellants has produced award dated 04.12.2001 passed by the Motor Accidents Claims Tribunal, at Karnal. This is the award of the claim filed by the widow, minor child and parents of the deceased Baljeet who also lost his life in the same accident. A perusal of the award shows that the Tribunal at Karnal has specifically held that the accident occurred due to rash and negligent driving of bus bearing registration No.HR-07-PA-0105.

I have heard the learned counsel for the parties.

A perusal of both the awards shows that two contradictory orders have been passed with regard to the same accident. It would be in the interest of justice that award passed by the Tribunal Kurukshetra dated 21.12.2001 is set aside and the matter is remanded back to the Tribunal to decide the same after taking into account the award passed by the Tribunal at Karnal. The Tribunal shall take into consideration, if any further proceedings were filed against award passed by Tribunal at Karnal and its results. The Tribunal will provide effective opportunity to the parties concerned. Having regard to the fact that accident occurred in 1999 it is desirable that Tribunal should expeditiously decide the petition.

The payment of no fault liability already paid to the claimants would be accordingly dealt with while deciding the claim petition.

The appeal stands disposed of with the above direction.

(AVNEESH JHINGAN)
JUDGE

12.09.2017

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Note:

1. Whether the order is speaking/reasoned: Yes

2. Whether the order is reportable : No