

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

**FAO No. 1943 of 1998 (O&M)  
Date of Decision: 14.07.2017**

**Sandeep Kumar & Ors.**

**... Appellants**

**vs.**

**Anil Kumar & Ors.**

**... Respondents**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

**Present:- Mr. D.P. Gupta, Advocate  
for the appellants.**

**Mr. Naveen Daryal, Advocate  
for respondent No.1.**

**---**

**ANITA CHAUDHRY, J.**

The instant appeal has been filed by the appellants-claimants against the award dated 24.03.1998 passed by the Motor Accident Claims Tribunal Kaithal (for brevity, the Tribunal) vide which their claim petition along with other bunch of petitions were dismissed being not maintainable. It was observed that the ill fated accident had taken place within the territory of Nepal and the Tribunal had no jurisdiction to adjudicate the issue.

Learned counsel for the appellants has pointed out that against the impugned award dated 24.03.1998, Sona Devi and others filed FAO No. 429 of 1998 before this Court and vide judgment dated 30.11.2010 the award had already been set aside and the matter had been remitted to the Tribunal for decision afresh and the matter is squarely covered by the decision rendered by this Court. It was

pointed out that the record of the instant appeal was burnt due to which it could not be heard and decided with other connected case.

This position has not been controverted by learned counsel for respondent No.1.

In view of the above, instant appeal is allowed. The matter is remitted to the Tribunal for decision afresh, on merits. Endeavor be made to decide the claim petition within a period of six months from the date of receipt of a certified copy of this order. The parties are directed to appear before the Tribunal below on 08.08.2017.

**14.07.2017**

Jiten

**(ANITA CHAUDHRY)  
JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No