

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 18.9.2017

(1) F.A.O. No. 1488 of 2008 (O&M)

Smt. Manjit Kaur alias Nirmala Devi and others

.....Appellants

Versus

Supinder Singh and others

.....Respondents

(2) F.A.O. No. 1489 of 2008 (O&M)

Smt. Manjit Kaur alias Nirmala Devi

.....Appellant

Versus

Supinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vijay Lath, Advocate and
Mr. Vishal Sharma, Advocate
for the appellants.

Mr. Amandeep Singh Saini, Advocate
for respondents No. 1 and 2.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.

These two appeals arise out an award dated 24.9.2007. As common question of law and facts are involved in both the appeals, the same are being disposed of by one order.

The Motor Accidents Claims Tribunal, Rupnagar (for short 'the Tribunal') dismissed the claim petitions on the ground that it was not established that vehicle No.PB-10-N-9750 was involved in the accident.

The facts giving rise to entire litigation are that:

On 15.8.2005 Surjit Singh along with his wife Manjit Kaur, were going on his scooter bearing registration No. PB-49-4749. The said scooter met with an accident with Truck/Tipper No.PB-10-N-9750. As a result of the accident, Surjit Singh lost his life and Manjit Kaur, suffered injuries. These claim petitions were filed, one for claiming compensation on account of death of Surjit Singh and the other for the injuries suffered by Manjit Kaur, in the accident. There was some controversy with regard to the registration number of the Truck/Tipper involved in the accident. It was alleged that truck/tipper number PB-10-N-9750 was involved. Whereas in the FIR another no.PB-10-AD-9707, was recorded.

The Tribunal relied upon the fact that the Truck/Tipper number in FIR was different than one claimed in claim petition and further even the charge-sheet has also been filed against the Truck No.PB-10-AD-9707. The claim petition was dismissed.

Now during pendency of the appeals, learned counsel for the appellants have moved an application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure, 1908. Notice of the same was issued. In this application, the claimants have annexed the amended charge-sheet in which there is an amendment and the Truck/Tipper having registration No. PB-10-N-9750 has been mentioned.

Without expressing opinion on the merit of the case, I deem it appropriate to set aside award dated 24.9.2007. The matter is remanded to

the Tribunal to decide the claim petitions afresh taking into consideration the amended charge-sheet and any other evidence produced by the parties.

Parties are directed to appear before the Tribunal on 24.10.2017.

The appeals are, accordingly, disposed of.

18.09.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No