

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

FAO No.3465 of 2008

Date of decision:5.7.2017

Smt.Ram Wati and another

...Appellants

Versus

Sh.Mukesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.R.S.Mamli, Advocate for the appellants.
Ms.Neeraj, Advocate for
Mr.A.S.Sullar, Advocate for respondents No.1, 2, and 2-A.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned award dated 01.03.2008 passed by the learned Motor Accidents Claims Tribunal, Ambala ('the Tribunal' for short), dismissing the claim petition on technical grounds and not on merits, claimants have approached this Court by way of instant appeal.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare perusal of the impugned award would show that the award has been passed on too technical grounds. Perusal of the FIR No.179 dated 05.07.2005, placed before this Court by the learned counsel for the

appellants, would show that the registration number of the vehicle in question was HR-01P-1058, whereas it has been incorrectly read as HR-01B-1058. Other descriptions of the vehicle in question have not been disputed. It has also not been disputed between the parties that the vehicle registered at HR-01B-1058 was only a motorcycle, whereas the offending vehicle in the instant case was an Indica Car.

Although there was no confusion in this regard yet even if the learned Tribunal was having any doubt, it could have been easily removed, while going through the abovesaid fact situation. However, since the learned Tribunal has proceeded on a hyper technical approach, while passing the impugned award, a serious prejudice has been caused to the claimants-appellants and the impugned award cannot be sustained.

Since the learned Tribunal did not proceed to decide the case on merits but dismissed the claim petition only on account of abovesaid technical aspects, this Court is left with no other option except to remand the case to the learned Tribunal to decide it afresh on merits.

No other argument was raised

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned award has been found suffering from patent illegality, it cannot be sustained. Accordingly, the impugned award dated 1.3.2008 passed by the learned Tribunal is hereby set aside.

Consequently, the matter is remanded to the learned Tribunal, to decide it afresh on merits by passing an appropriate award, in accordance with law. It is also directed that since the matter remained pending before

this Court for quite some long time, learned Tribunal shall make an endeavour to decide the claim petition of the appellants expeditiously.

Resultantly, with the above-said observations made and directions issued, the present appeal stands allowed, however, with no order as to costs.

Parties are directed to appear before the Tribunal on 8.8.2017.

5.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No