

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 1435 of 2013 (O&M)

Date of Decision: 20.7.2017

Surjeet Kaur and others

.....Appellants

Versus

Ved Pal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manoj K. Sood, Advocate
for the appellants.

Mr. Surinder Dagar, Advocate
for respondent No. 1.

Service of respondent No. 2 dispensed with.

Ms. Vandana Malhotra, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

The claimants have challenged the order dated 5.11.2012 passed by the Motor Accident Claims Tribunal, Faridabad who dismissed the claim petition only on the ground that the mother of the deceased had not been made a party.

The counsel was asked to verify if the mother was alive. Today he states that she is alive.

Counsel for the appellants contends that the parties had led their evidence and if the Court found that the presence of another party was material then the Court on its own could have ordered the addition of additional party and the claim could not have been dismissed. Counsel for

the appellants states that they will move an application for impleading the

mother of the deceased as a party.

Counsel for the insurance company contends that the claim was filed in the year 2009 and the claim petition has been dismissed because one party had not been added and it is entirely the fault of the claimants and burden of payment of interest should not be placed upon them.

The claim petition could not have been dismissed only on the ground that the mother of the deceased was not impleaded as a party. The widow and the children had filed the appeal.

The trial Court while disposing of the claim petition finally, would address this issue and examine if the claimants were entitled to interest for the period of delay.

In the facts and circumstances, the appeal is allowed. Award dated 5.11.2012 is set aside. The parties would appear before the District Judge, Faridabad on 16.8.2017. The Court will not issue notice to any of the parties. The parties will have to appear on their own. The District Judge would either keep the case with him or assign it to any other Court for expeditious disposal.

(ANITA CHAUDHRY)
JUDGE

July 20, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No