

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

FAO No. 963 of 1994 (O&M)

DATE OF DECISION : 12.01.2018

Suman Lata and others

.... APPELLANTS

Versus

Pepsu Roadways Transport Corporation and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Dr. Surinder Singh Joshi, Advocate,
for the appellants.

None for the respondents.

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AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 18.02.1993 passed by the Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal').

An accident took place on 08.04.1985. As a result of the accident, nine claim petitions were filed under the Motor Vehicles Act, 1988 (for short, 'the Act'). Six petitions were allowed and three were dismissed. The appellants are legal heirs of Harvinder Kumar, who lost his life in the accident. Their claim petition (File No.7 of 3.5.1989) was dismissed by the Tribunal on the ground that they failed to prove that they were legal heirs of Harvinder Kumar.

Learned counsel for the appellants argued that the appellants

are the legal heirs of deceased Harvinder Kumar and the Tribunal erred in dismissing their claim petition.

In spite of service, nobody has appeared on behalf of the respondents.

From a perusal of the award, it is evident that no issue was framed that “whether the claimants were legal heirs of the deceased?” Rather the issue was framed “whether the claimants were dependents of deceased Harvinder Kumar?”

Without providing an opportunity to the appellants to prove that they were legal heirs of deceased Harvinder Kumar, the claim petition was dismissed. In such circumstances, it is deemed appropriate that the matter is remitted back to the Tribunal to decide File No.7 of 1989 afresh, after affording opportunity to the appellants to prove that they were legal heirs of the deceased and were entitled to compensation. It is needless to say that before deciding the said issue, opportunity would be afforded to the respondents as well.

The appellants are directed to appear before the Tribunal on February 12, 2018. The Tribunal would issue notices to the respondents.

Appeal is, accordingly, disposed of.

January 12, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No