

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

532

**FAO-5672-2004 (O&M)
Date of Decision : 17.9.2018**

Malik Singh and others

...Appellants

vs.

Hardwari Lal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.V.B.Aggarwal, Advocate
for the appellants.

Mr. Sandeep Kotla, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the appellants-claimants against the order dated 9.10.2004 passed by Motor Accident Claims Tribunal, Kurukshetra whereby claim petition was dismissed.

Brief facts of the case are that on 22.1.2002 the deceased was driving a truck bearing No. PB-04-G-9503 when it collided with bus belonging to respondents No. 2 and 3 driven by respondent No.1 and he died. Claim petition was filed under Section 166 of Motor Vehicles Act, 1988 and was dismissed on the ground that the appellants-claimants were not able to prove that accident had been caused due to rash and negligent driving of the bus driver-respondent No.1.

Before me counsel for the appellants has raised very limited issues and therefore detailed reference to the facts is not required.

It is the contention of the learned counsel for the appellants that in such a case it would be appropriate to take recourse to Section 140 of the Motor Vehicles Act, 1988 and award compensation under the principle of 'no fault liability' since the accident as such has been admitted. Counsel for the respondents is not in a position to deny the logic and fairness of this request.

In the circumstances, the petition is converted into Section 140 of the Motor Vehicles Act, 1988 and compensation of Rs. 50,000/- is awarded to the appellants on the basis of 'no fault liability'.

The claimants would be also entitled to interest at the rate of 7.5% per annum from the date of filing of claim application till the date of payment.

The entire compensation amount be handed over to the appellant No.2.

The appeal stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

17.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No