

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No. 4046 of 2013 (O&M)
Date of Decision: March 14, 2018.

Satish

..... Appellant.

VERSUS

Manphool & others

..... Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the appellant (s).

Mr. I.S. Cooner, Advocate for
Mr. J.S. Cooner, Advocate
for respondents no.1 to 5.

Mr. S.S. Sidhu, Advocate
for respondent no.8.

SURINDER GUPTA, J.(Oral)

This is appeal against the award dated 17.12.2012 filed by appellant Satish, who was not a party to the claim petition. The Tribunal while recording findings on issue no.1 has held that the driver of the motor cycle, on which deceased was a pillion rider, has also contributed in accident as he was carrying two pillion riders. Driver of offending vehicle i.e. Trola bearing registration No.HR-55G-8642 and Satish were held to be liable in the ratio of 70:30 and it was ordered that 30% of the total compensation amount shall be paid by Satish appellant.

Satish was not party to the claim petition and was not given any notice or was ever heard before imposing the liability to pay 30% of the compensation amount.

For the above reasons, the award passed by the Motor Accident Claims Tribunal Sonapat against the appellant-Satish is not sustainable.

Resultantly, this appeal is accepted and the award dated 17.12.2012 passed by the Motor Accident Claims Tribunal, Sonapat against the appellant-Satish is ordered to be set aside.

(SURINDER GUPTA)
JUDGE

March 14, 2018.
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>