

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

F.A.O No. 2523 of 2017

Date of decision:- 21.02.2018

Balvir Kaur and others

...Appellants

Versus

Teja Singh Kandhari Public School & anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Monika Jalota, Advocate
for the appellant

Mr Vinod Gupta, Advocate
for respondent No. 3-Insurance Company.

RITU BAHRI J. (Oral)

The present appeal has been preferred by the claimants-appellants, against award dated 15.12.2016 by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') whereby the claim petition filed by the claimants has been dismissed on the ground that the claimants are entitled to get compensation under the Workmen's compensation Act under Section 3 and not under the Motor Vehicles Act, in view of case i.e *National Insurance Co. vs. Prembai Patel and others, 2005(2) RCR (Civil) 497 SC.*

After going through the award passed by the Tribunal, the present appeal is disposed of and the claimants are at liberty to approach the authorities to get compensation under the Workmen's Compensation Act, as in a petition under Workmen's Compensation Act, the injured or legal heirs of deceased workman have not to establish the negligence as a pre-condition for award of compensation but the claim petition before the Tribunal is in

action in tort and the injured or legal representatives of the deceased have to establish by preponderance of evidence that there was no negligence on the part of the injured or the deceased and they were not responsible for the accident.

21.02.2018

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No