

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

TA-393-2019 (O&M)
Date of decision: 22.08.2019

Rajwant Kaur and another

...Applicants

Versus

Balbir Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Paras Jagga, Advocate for the applicants.

Mr. R.D. Sharma, Advocate for respondent Nos.1 to 3.

Mr. A.P.S. Rehan, Advocate for respondent No.4.

H.S. MADAAN, J. (Oral)

One Amardeep Singh had unfortunately died in a road side accident, leaving behind his widow Rajwant Kaur, minor daughter Hargun Kaur, presently aged about 1½ years, mother Balbir Kaur and brothers Mohipal Singh and Ramandeep Singh. A claim petition under Section 166 of the Motor Vehicles Act was filed before Motor Accidents Claims Tribunal, Mohali, claiming compensation on account of death of Amardeep Singh in a motor vehicular accident. However, relations between Rajwant Kaur widow and parental family of Amardeep Singh deceased became strained. Resultantly, Rajwant Kaur along with her minor daughter left the matrimonial home and started residing with her parents at Village Kanaheri, Tehsil & District Patiala. She had moved an application before Motor Accidents Claims Tribunal, Mohali for

withdrawing the claim petition for herself and on behalf of her minor daughter Hargun Kaur, alleging that she had not filed the claim petition for herself and on behalf of her minor daughter before Motor Accidents Claims Tribunal, Mohali and her signatures had been taken on the papers fraudulently. After withdrawal of the petition by Rajwant Kaur, she and Hargun Kaur were impleaded as proforma respondents by the remaining claimants. Rajwant Kaur for herself and on behalf of Hargun Kaur has filed a separate claim petition before Motor Accidents Claims Tribunal, Patiala, which is pending.

By way of moving the present application, she seeks transfer of the claim petition pending before Motor Accidents Claims Tribunal, Mohali to Motor Accidents Claims Tribunal, Patiala, so that the two petitions can be tried together.

Notice of the application was given to the respondent. Only respondent Nos.1 to 3 & 4 put in appearance to offer a contest.

I have heard learned counsel for the parties besides going through the record.

Since the two claim petitions relate to death of Amardeep Singh in a road side accident, the ends of justice demands that those should be tried together. Therefore, it shall be proper and appropriate and in fitness of things, if the claim petition titled 'Rajwant Kaur and others Vs. Jagwinder Singh @ Kala and others' is transferred from Motor Accidents Claims Tribunal, Mohali to Motor Accidents Claims Tribunal, Patiala, so that two petitions can be tried and decided together. As such,

the application is allowed. The petition in question is ordered to be withdrawn from Motor Accidents Claims Tribunal, Mohali and transferred to Motor Accidents Claims Tribunal, Patiala for disposal in accordance with law.

Learned District & Sessions Judge, Patiala shall ensure that the transferred petition is sent to Motor Accidents Claims Tribunal, Patiala, where the connected petition bearing No. MACP/903/2018 having title 'Rajwant Kaur and others Vs. Jagwinder Singh @ Kala and others' is pending to have their joint trial and adjudication.

The parties through counsel are directed to appear in the transferee Court on 24.09.2019. Copies of orders be sent to both the Courts for information and necessary compliance.

22.08.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No