

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

(117)

CR no.2954 of 2019 (O&M)
Date of Decision: 27.05.2019

Mankala Bhandari through Special Power of Attorney ...Petitioner

Vs.

Sunil Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Madhav Pokhrel, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

Pursuant to the order of this Court dated 06.05.2019, the report of the learned Motor Accident Claims Tribunal, Sri Muktsar Sahib, dated May 13, 2019, is on the case file, stating therein that as regards the instrument of power of attorney stated to have been executed by the petitioner in favour of the person through whom even this petition is shown to be filed, i.e. Amar Bhandari, the said power of attorney has not been proved as per the provisions of law, it having been further stated that even the death certificate of the husband of the present petitioner, i.e. the death certificate of Nam Kumar Bhandari, has not been produced before the Tribunal.

It is seen that a copy of power of the attorney annexed with this petition is also a photocopy, with the original instrument stated by learned counsel to have been submitted to the Tribunal.

It is seen that in the Award passed by the Tribunal on 9.5.2017

(copy Annexure P-2), the petitioner is shown to be respondent no.5, whereas the compensation awarded (for the death of her son) is to the claimants in the Award, and to respondents no.3 and 4, respondent no.3 in fact being the insurance company that had insured the vehicle in question as had met with the accident.

Obviously, the serial number at which the parents of the deceased were shown, i.e. respondents no.4 and 5, have been mistakenly shown as respondents no.3 and 4 by the Tribunal.

That being so, this petition is disposed of with a direction that if the instrument of power of attorney is duly proved and the death certificate of petitioners' husband is produced and there is no legal bar as per RBI or other guidelines or statutory provision, on transferring the compensation to a branch of the State Bank of India in Nepal, the Tribunal would then direct the needful to be done, because other than the aforesaid three conditions, I would see no reason as to why this petition, on merits, should not be allowed as regards release of compensation to the petitioner, it being compensation as has been awarded by the Tribunal for the death of her son (vide its Award dated 09.05.2017), she being respondent no.5 in the said claim petition.

27.05.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No