

FAO-4671 of 2019 (O&M)
Date of Decision: 24.10.2019

Surinder Pal Kaur

---Appellant

versus

Jasveer Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Deepak Sharma, Advocate for
Mr. Pankaj Bali, Advocate
for the appellant

Rekha Mittal, J.

Challenge in the present appeal has been directed against award dated 25.4.2019 passed by the Motor Accidents Claims Tribunal, Sangrur (in short “the Tribunal”) whereby compensation has been assessed on account of death of Bhim Singh in a motor vehicular accident that took place on 15.9.2011.

The sole submission made by counsel for the appellant is that in respect of the occurrence in question, FIR No. 67 dated 15.9.2011 under Sections 279, 337, 304-A and 427 of the Indian Penal Code was lodged against driver of the canter on the statement of Darshan Singh but the claimants did not implead the owner and insurer, if any, of the said canter as a party in the claim proceedings, therefore, the award passed by the Tribunal is liable to be set aside.

Counsel, in response to a query, has fairly conceded that in the FIR lodged at the behest of Darshan Singh, there is reference to involvement of Car No. PB-42-C-0063 in the occurrence. In a case under Section 163-A of the Motor Vehicles Act, 1988, the question of default or neglect can not be gone into. In this context, reference can be made to

judgment of Hon'ble the Supreme Court **United India Insurance Company Limited vs. Sunil Kumar and another 2018 (1) RCR (Civil) 680**. In the given scenario, the claimants were at liberty to seek compensation either from the owner of car or canter involved in the occurrence.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

24.10.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No