

FAO No.3906 of 2015 (O&M)

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

FAO No.3906 of 2015 (O&M)
Date of decision: 11.09.2019

Stepping Stones High School

.....Appellant

versus

Karamjit Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Adarsh Jain, Advocate, for the appellant.
Mr. Ashwani Arora, Advocate, for respondents No.1 to 3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal appellant has laid challenge to order dated 06.05.2015 of the Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal'), whereby its application under Order 9 Rule 13 read with Section 151 of the Code of Civil Procedure for setting aside ex parte award dated 22.12.2012, was dismissed.

Heard.

Both the parties have raised no objection, in case, the case is remanded to the Tribunal for fresh decision to decide liability quantum of compensation awarded to respondents No.1 to 3 – claimant of ₹32,75,000/- along with interest at the rate of 7.5% per annum from the date of filing claim petition till realization, which has already been deposited by the appellant before the Tribunal.

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In view of above, entire compensation amount deposited by the appellant before the Tribunal is ordered to be disbursed to respondents No.1 to 3 – claimant in proportion, so arrived at by it, in accordance with law against proper receipt and identification. Case is remanded to the Tribunal to decide the liability of payment of compensation, permitting the appellant to implead the persons, who, according to it, were owner and driver of the offending vehicle at the time of accident in question.

However, this appeal qua respondents No.1 to 3 – claimant is dismissed with the observation that in case, the Tribunal comes to the conclusion that appellant was not liable to make payment of compensation, which it has deposited, same shall be recovered from the person, who would be finally held responsible for causing accident in question resulting into death of Krishan Dass.

Parties are directed to appear before the Tribunal on 25.09.2019.

Disposed of.

September 11, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No