

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

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XOBJC-67-CII-2017 in/and
FAO No.4182 of 2016 (O&M)
Date of decision: 14.02.2019
... Appellant

TEJBIR SINGH

Versus

BALJEET SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Bhupinder S. Bairagi, Advocate for the appellant.
Mr. Yashveer Kharb, Advocate for claimants/cross objectors.
Ms. Vandana Malhotra, Advocate for respondent No.8.
Mr. RC Gupta, Advocate for respondent No.11.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO No.4182 of 2016 and cross objections No.67-CII of 2017 as these have emerged out of the same award dated 06.11.2015 passed by the Motor Accidents Claims Tribunal, Panipat whereby compensation has been assessed on account of death of Satish in a motor vehicular accident that took place on 23.06.2013.

Counsel for the appellant would submit that Tejbir Singh respondent No.1 therein was neither the driver nor owner of the vehicle i.e. tractor trolley No.HR-06-Y-9691.

Counsel representing respondent No.8 would inform that the said insurance company was never impleaded as a party in the claim application preferred by Baljeet Singh and others but it has been arrayed as respondent No.8 in the appeal preferred by Tejbir Singh. She would further apprise the Court that even the vehicle in question was insured in the name of Dharmbir son of Killa Ram in whose name the vehicle stood registered vide registration valid from 18.05.2012 upto 22.02.2027.

Perusal of the award would reveal that Dharmbir was not arrayed as a party in the claim application preferred by Baljeet Singh and others. Counsel for the claimants is not in a position to point out any materials on record that at the time of occurrence, Tejbir Singh was registered owner of tractor trolley No.HR-06-Y-9691.

Counsel for the parties are ad idem that the award passed by the

Tribunal may be set aside and matter be remitted to the Tribunal for decision of the case afresh with liberty to the claimants to implead all necessary parties on the array of respondents.

In view of the above, the appeal and cross objections are disposed of. The award passed by the Tribunal is set aside and matter is remitted to the Tribunal for decision of the case afresh. The claimants shall be at liberty to file an appropriate application for impleading all necessary parties on the array of respondents and thereafter there shall be de novo trial of the case. The parties through their counsel are directed to appear before the Tribunal on 06.03.2019. The Tribunal shall complete adjudication afresh within a period of six months of the parties putting in appearance. In the meanwhile, compensation already paid to the claimants by any set of respondents before the Tribunal shall not be recovered from them. The amount of Rs.25,000/- deposited by the appellant shall be remitted to the Tribunal, to be disbursed on the basis of decision afresh. As the appeal has been decided on the basis of concession recorded by counsel for the parties, applications for condonation of delay are of academic relevance.

14.02.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No