

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

**FAO No. 4210 of 2017  
DECIDED ON: MARCH 20, 2019**

**DERA GEETA MAHANT**

**.....APPELLANT**

**VERSUS**

**HARDEEP SINGH AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Shakti Mehta, Advocate for  
Mr. Vikram Bali, Advocate  
for the appellant.

Mr. Satnam Sishodia, Advocate  
respondents No.1 and 2.

Mr. Vinod Gupta, Advocate  
for respondent No.3.

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**AVNEESH JHINGAN J. (ORAL)**

The award dated 23.03.2017 passed by the Motor Accident Claims Tribunal, Panchkula (for brevity 'the Tribunal') dismissing the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') has been assailed by the claimant.

The appellant is the Dera Geeta Mahant through its Head Geeta (Transgender). The driver of recovery van bearing registration No. HR-68-6367

(hereinafter referred to as the 'offending vehicle'), owner and insurer (i.e. The New India Assurance Co. Ltd.) of the offending vehicle have been arrayed as respondents No.1 to 3 respectively in the appeal.

The facts emanating from the record are that on 01.04.2016, Sonia (deceased) was a pillion rider on the motorcycle driven by Davender Kumar. On reaching near Tank Chowk, the motorcycle was struck by the offending vehicle, due to the impact, Sonia died at the spot. FIR No. 94, dated 01.04.2016 was registered.

A claim petition under Section 166 of the Act was filed. The Tribunal after considering the facts and on appreciating the evidence adduced, held that the accident was caused due to rash and negligent driving of the offending vehicle. The claim petition was dismissed as the claimant failed to prove that the deceased was a Transgender; the deceased was a member of the Dera and that Dera was registered as a Society.

Learned counsel for the appellant contends that the Dera would come within the ambit of phrase “legal representative” mentioned under Section 166 of the Act.

At this stage, it would not be required to go into the question whether the appellant would be a legal representative of the deceased or not. The claimant failed to prove the basic foundation of facts to reach the stage to claim that the appellant was legal representative of the deceased. There is no medical evidence on record to prove the fact that the deceased was a transgender. Apart from a self-serving statement, there is no evidence to substantiate the fact that the deceased was a disciple of the Dera . It has also not been proved that the

appellant is a registered Society.

In such circumstances, there is no error in the impugned award and it deserves to be sustained.

The appeal is dismissed.

(AVNEESH JHINGAN)  
JUDGE

MARCH 20, 2019

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***Whether speaking/reasoned:***

***Yes/No***

***Whether reportable :***

***Yes/No***