

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

FAO No.2377 of 2012 (O&M)
DATE OF DECISION : 16th JANUARY, 2020

Kamla Devi & others

.... Appellants

Versus

Shivdhan & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Sushil Jain, Advocate for the appellants.

Mr. R. C. Kapoor, Advocate
for respondent No.2-insurance company

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RAJBIR SEHRAWAT, J. (Oral)

This is first appeal filed by the claimants challenging order of dismissing of their claim petition filed under Section 163-A of the Motor Vehicle Act (in short, 'the Act'), for grant of compensation on account of death of Suresh Chander, being widow and children.

At the outset, counsel for the appellants submits that the claim petition in this case has been dismissed only because the income of the deceased exceeded the statutory limit and the claim petition was filed under Section 163-A of the Act. Hence, the petition has been dismissed as not maintainable. The appellants may be permitted to file fresh claim petition under Section 166 of the Act to avail their remedy in accordance with law and the present appeal be permitted to be withdrawn.

The counsel for the respondent does not have any objection to the appellants approaching the Tribunal under Section 166 of the Act, in accordance with law.

In view of the above, the appeal is disposed of as withdrawn, with a liberty to the appellants to approach the Tribunal by filing a petition under Section 166 of the Motor Vehicle Act, if so desired by the appellants/claimants.

However, it is clarified that since the present appeal was filed with a delay of only five days and the same was also condoned by this court, therefore, if the appellants/claimants file fresh claim petition within one month from today; then the same shall be taken to have been filed within limitation.

Disposed of with liberty as aforesaid.

16th JANUARY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>