

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

207

FAO No.5437 of 2012 (O&M)

Date of decision: 15.01.2020

CHANDA VATI

... Appellant

Versus

DILBAG RAM AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Karan Singh, Advocate for the appellant.
None for respondents No.1 and 2.
Mr. Subhash Goyal, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 03.04.2012 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri whereby application for grant of compensation on account of death of Ram Jee in a motor vehicular accident that took place on 15.03.2010 was dismissed primarily on the basis of findings on issue No.1, reads thus:-

Whether Ram Jee died on account of the injuries sustained by him in a motor vehicle accident which took place on 15.03.2010 in the area of Police Station, Sadar Yamuna Nagar on account of rash or/and negligent driving of truck bearing No.HR-69-A-6617 by respondent No.1 which is owned by respondent No.2 and insured by respondent No.3 as alleged?OPP

Counsel for the appellant would inform that application for compensation has been filed by hapless mother of Ram Jee for grant of compensation. The Tribunal determined issue No.1 against the appellant/claimant as she failed to ensure presence of Vikas, pillion rider on motorcycle driven by the deceased, to establish that accident is the result of rash and negligent driving of truck No.HR-69-A-6617. It is further submitted that on due investigation of FIR lodged at the behest of Vikas, Dilbag Ram was put to trial for committing offence punishable under Sections 279 and 304-A IPC. It is further argued that the appellant is ready to examine Vikas in case an opportunity is allowed.

There is no representation on behalf of respondents No.1 and 2 earlier represented by a counsel.

Counsel for the insurance company would inform that in the

criminal trial, Dilbag Ram has been acquitted of the offence charged against him.

Be that as it may, provisions of the Motor Vehicles Act, 1988 (in short 'the Act') providing for compensation are benevolent social legislation enacted with an intent to make good the loss as the money can do to the victim or victim family. The proceedings before the Tribunal are summary in nature and Tribunal has an obligation to assess just and reasonable compensation. Even if a report is received by the Tribunal under Section 158 of the Act, the Tribunal is obligated to take cognizance thereof and proceed with the matter for determination of compensation and other issues involved in the case. Since the appellant is ready to examine Vikas an alleged eye-witness to the occurrence in case an opportunity is allowed, it would be in the fitness of things, if findings of the Tribunal on issue No.1 are set aside and the matter is remitted to the Tribunal for decision of the case afresh on the basis of materials already on record and additional evidence to be adduced by the claimant and evidence in rebuttal, if any, by the respondents.

In view of what has been discussed hereinbefore, the appeal is allowed. The award passed by the Tribunal is set aside. The matter is remitted to the Tribunal for decision of the case afresh in view of the aforesaid observations. However, in case claimant is held entitle to compensation, the Tribunal would examine as to the period for which she is entitle to interest keeping in view the circumstances obtaining in the case. The parties through their counsel are directed to appear before the Tribunal on 17.2.2020. The Tribunal shall decide the case preferably within a period of six months of parties putting in appearance.

15.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No