

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

Date of Decision: 14.12.2020

FAO No. 6411 of 2016 (O&M)

National Insurance Company Limited

---Appellant

versus

Amarjeet Kaur and others

---Respondents

FAO No. 2371of 2017 (O&M)

New India Assurance Company Limited

---Appellant

versus

Sarbjit Kaur and others

---Respondents

FAO No. 4666 of 2017 (O&M)

National Insurance Company Limited

---Appellant

versus

Sarbjit Kaur and others

---Respondents

FAO No. 3535 of 2018 (O&M)

Ramandeep Kaur and others

---Appellants

versus

Bhura Singh @ Hansa Singh and others

---Respondents

FAO No. 3652 of 2018 (O&M)

National Insurance Company Limited

---Appellant

versus

Harnek Singh and others

---Respondents

FAO No. 6957 of 2018 (O&M)

New India Assurance Company Limited

---Appellant

versus

Baga @ Baggan @ Baljeet Kaur and others

---Respondents

FAO No. 7237 of 2018 (O&M)

Sarbjit Kaur and another

---Appellants

versus

Bhura Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sandeep Suri, Advocate
for National Insurance Company**

**Mr. Lalit Garg, Advocate
for New India Assurance Company
(in FAO No. 6957 of 2018)**

**Mr. L.S. Sidhu, Advocate
for appellants in FAO No. 7237 of 2018
for respondents No. 1 & 2 in FAO Nos. 2371 and 4666 of 2017.**

**Mr. Ravish Bansal, Advocate
for claimants-Baga and Harnek Singh**

None for respondent No. 2 in FAO No. 3652 of 2018

**Mr. Vinod Gupta, Advocate
for the New India Assurance Company Limited
(FAO Nos. 6411 of 2016, 2371 & 4666 of 2017,
3535, 3652 and 7237 of 2018)**

Rekha Mittal, J.

**This order will dispose of FAO Nos. 6411 of 2016, 2371 &
4666 of 2017, 3535, 3652, 6957 and 7237 of 2018 as these have emerged**

out of awards passed by Tribunals at different places in respect of an accident that took place on 24.09.2014 in which several persons lost their lives on account of collision between certain vehicles near Village Benra District Sangrur in respect whereof FIR No.183 dated 24.09.2014 was registered at the behest of Sh. Ajaib Singh, Ex- Sarpanch of Village Benra.

Perusal of awards passed by Tribunals would reveal that there are contradictory findings recorded in respect of various aspects including liability of Insurance Companies of the vehicles involved in the accident. In order to have a consistent view in the matter on the basis of evidence adduced in claim applications and additional evidence, if any, allowed to be produced by the Tribunal at Patiala, interest of justice commands that all the awards challenged in the aforesaid appeals are set aside and the matter is remitted to one Tribunal for decision of the cases by a consolidated judgment, after hearing the parties likely to be benefitted/affected by the award. In this view of the matter, all the appeals are disposed of. The awards are set aside. The matter is remitted to the Motor Accidents Claims Tribunal, Patiala presided over by the District Judge to decide all the cases. The parties are left at liberty to file appropriate application(s) for leading additional evidence and the same will be decided, in accordance with law. The District Judge, Patiala shall requisition the original records of the other Tribunals. The parties through their counsel are directed to appear before the Tribunal at Patiala on 15.01.2021. The Tribunal shall make best endeavour to dispose of the cases within a period of five months from the date of appearance of the parties.

Deposit made by the Insurance Company in either of

the appeals would be subject to outcome of decision by the Tribunal.

(Rekha Mittal)
Judge

14.12.2020

PARAMJIT

Whether speaking/reasoned : Yes
Whether reportable : Yes/No