

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.799 of 2014

1. Most. Sushila Devi and Ors W/o Late Sukesh Prasad.
2. Rupak Kumar, aged about 10 years.
3. Puja Kumari, aged about 8 years.
4. Monika Kumari, aged about 7 years.
5. Arti Kumari, aged about 6 years. Applicants / Respondents no. 2 to 5 are minor son and daughter of Late Sukesh Prasad under the natur
6. Babunand Prasad, aged about 60 years. S/o Late Bihari Prasad.
7. Kalawati Devi, aged about 55 years. W/o Babunand Prasad. All are resident of village - Ahwar Sheikh Fulsukha, P.S.- Majhulia, Distt.- West Champaran.

... .. Appellant/s

Versus

1. Guddu Prasad and Anr S/o Baidhyanath Prasad.
2. Kedar Prasad. S/o Late Hira Prasad. Both are resident of village - Auhar Sheikh Tola, Jagiraha, ward no.2, P.S.- Majhulia, Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : None.
For the Respondent/s : None.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 13-12-2022

No one appears on call.

2. The appeal has been preferred against the order dated 11.11.2014 passed in Accident Claim Case No. 8 of 2014 by which the prayer for compensation was negated on the ground that the deceased was electrocuted after having trapped with naked wire of the generator which does not come within the purview of the Section 166 of the Motor Vehicles Act.

3. Section 166 of the Motor Vehicle Act read as



follows :-

“166. Application for compensation – (1) *An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made -*

(a) by the person who has sustained the injury; or

(b) by the owner of the property;
or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorized by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application:

[Provided further that where a person accepts compensation under section 164 in accordance with the procedure



provided under section 149, his claims petition before the Claims Tribunal shall lapse]

(2) Every application under subsection (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed:

[(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident].

[(4) The Claims Tribunal shall treat any report of accidents forwarded to it under [section159] as an application for compensation under this Act].

[5. Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not].”



4. From the aforesaid fact, it is clear that the death of the husband of the appellant does not come within the purview of the aforesaid section 166 of the Motor Vehicles Act.

5. Be that as it may, since no one has appeared on behalf of the appellant, the case is dismissed for non-prosecution.

(Rajiv Roy, J)

Jagdish/Neha-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	15.12.2022
Transmission Date	

