

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

**FAO No.1003 of 2003
Date of Decision : 02.08.2022**

Baljit Kaur and others

....Appellants

Versus

Gulwant Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Prabhjot S. Chahal, Advocate for
Mr. G.S. Nagra, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for respondent No.2/Insurance Company.

PANKAJ JAIN, J.

Claimants are in appeal against the Award dated 6th of August, 2002 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short, 'the Tribunal').

2. The claim petition filed by the appellants under Section 166 of the Motor Vehicles Act, 1988 has been dismissed for want of evidence holding that :

“There is not an iota of evidence available on the file led by the claimants to prove the fact that Baldev Singh deceased died in a motor vehicle accident. No eye witness to prove the negligence of the offending driver/respondent no.1 has been examined. Even copy of FIR has also not been tendered. This issue is decided against the claimants.”

3. Ld. Counsel for the appellants submits that the claim petition pertains to the compensation on account of death of Baldev Singh, who died in a motor-vehicular accident. He further submits that if afforded effective opportunity, the appellants will conclude the entire evidence within two effective dates on their own responsibility.

4. Keeping in view the prayer made by the appellants and the fact that the Act is a benevolent legislation enacted with an aim to provide compensation to the affected families, I find that it will be in the interest of justice that opportunity be granted to the claimants/appellants to lead evidence to substantiate their claim.

5. Consequently, the instant appeal is allowed. The award passed by the Tribunal is set aside. The matter is remanded back to the Tribunal with a direction to decide the claim petition afresh.

6. As undertaken by Ld. Counsel for the appellants before this Court, the claimants/appellants shall be provided two effective opportunities to lead entire evidence. Respondents shall also be given opportunity to lead their evidence in rebuttal.

7. Owing to the fact that the accident pertains to the year 1999, Tribunal is directed to decide the claim petition expeditiously, preferably within a period of nine months from the date of receipt of certified copy of this order.

8. Parties are directed to appear before the District Judge, Fatehgarh Sahib on 1st of September, 2022. On their appearance, Ld.

District Judge shall allocate the matter to the Tribunal of competent jurisdiction.

August 02, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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