

205-A

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

CWP No. 5779 of 2018(O&M)

Date of Decision: 18.04.2022

New India Assurance Co. Ltd.

.....Petitioner

Vs

**Deputy Commissioner, Jind-cum-Claims Settlement
Commissioner and others**

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.C. Kapoor, Advocate
for the petitioner.

Mr. Pankaj Malwani, DAG, Haryana.

Mr. Ravinder Singh Dhull, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has filed this petition for the issuance of an appropriate writ in the nature of certiorari quashing the impugned order dated 26.09.2017 passed by respondent No.1 i.e. Claims Settlement Commissioner (under Solatium Fund Scheme 1989).

Perusal of the record would show that an amount of Rs.2 lacs has been granted as compensation in respect of death of Deepak in an accident arising out of hit and run case. The accident took place on 28.08.2016. Respondent No.1 has passed the following order on 26.09.2017:-

“I, hereby sanction a sum of Rs.200000/- (Two Lacs only) as compensation in respect of death of Sh. Deepak S/o Sh. Satbir R/o Village Nidani Tehsil & District Jind, resulting from “Hit and Run” Motor accident which took place at near Radhana Morth Tehsil and Distt. Jind on dated 28.08.2016 to Smt. Satbir S/o Sh. Mange Ram & Darshna Devi W/o Sh. Satbir legal representative of deceased.”

Learned counsel for the petitioner submits that at the relevant time when accident took place, an amount of Rs.25,000/- was fixed in hit and run case under Section 161(3)(a) of the Motor Vehicles Act, 1988.

In view of above, impugned order is contrary to the aforesaid provision. At the time of passing of the impugned order, there was no such amendment in existence, rather a proposal of bill was there and ultimately, amendment came into being only on 09.08.2019, thereby fixing an amount of Rs.2 lacs in hit and run case.

After hearing learned counsel for the parties, I am of the view that the impugned order is totally non-speaking as to whether the amendment in question is prospective or retrospective in nature.

I deem it appropriate to quash the order dated 26.09.2017 passed by the Claims Settlement Commissioner, Jind. This petition is accordingly allowed. However, it would

appropriate to remand this case to the said authority to revisit the issue in question and pass appropriate order in accordance with law.

April 18, 2022
Prince

(RAJ MOHAN SINGH)
JUDGE