

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 6332 of 2017

Smt. Swaran Kaur and Another
... Petitioner(s)

Versus

Tara Chand alias Kala and Others
... Respondent(s)

AND

2. Civil Revision No. 6334 of 2017

Smt. Farida Banoo and Another
... Petitioner(s)

Versus

Tara Chand alias Kala and Others
... Respondent(s)

DATE OF DECISION: 09.10.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kamal Chaudhary, Advocate
 for the petitioner(s).

Mr. Ankit Rana, Advocate
 for the respondent No.1 and 1A.

Anil Kshetarpal, J.

1. The two connected revision petitions filed by the claimants have come up for final disposal.

2. The petitioners herein are the unfortunate parents who lost their respective young sons, namely Manpreet and Tosif in a motor vehicular accident which took place on 14.12.2015. They have filed two separate claim petitions under Section 163A of the Motor Vehicle Act, 1988 (hereinafter referred to as “the 1988 Act”) which are stated to be pending. In

the claim petitions, it was disclosed that Manpreet along with his two

**Civil Revision No. 6332 of 2017 AND
Civil Revision No. 6334 of 2017**

friends, namely Tosif and Babalpreet went to Morni Hills on the scooter bearing the registration plate No. PB-11K-1208 which was being driven by Tosif. The scooter became uncontrollable due to which all the three occupants fell down in the deep ditch resulting in the grievous injuries to Manpreet and Tosif. Subsequently, both of them were declared dead by the doctor. The aforesaid incident is alleged to have been witnessed by Sh.Amar Nath, eye witness. The claimants were not present at the time of accident. The claimants, while appearing in the evidence, stated that in fact the scooter was being driven by Babbalpreet and not by Tosif. One of the claimants has made this statement on the basis of information given by Sh. Amar Nath, eye witness. The corresponding amendment was sought to be made in the pleadings. The Tribunal has dismissed the application on the ground that if the proposed amendment is allowed, it would result in withdrawal of the admission, therefore, it would prejudice the rights of the other parties.

3. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-books.

4. From the aforesaid facts of the case, it is evident that the claimants were not present at the time when the accident took place. In such circumstances, they are required to rely upon the facts disclosed by the eye witness. The claimants will have to prove those facts after they have incorporated the same in the pleadings.

5. The learned counsel for the respondent No.1 and 1A has failed to draw the attention of the Court to any malafide on the part of the claimants.

Civil Revision No. 6332 of 2017 AND
Civil Revision No. 6334 of 2017

are allowed. The petitioners, in both the revision petitions, are permitted to amend the respective claim petitions. The respondents will have the opportunity to file reply to the amended claim petitions.

(Anil Kshetarpal)
Judge

October 09, 2023
“DK”

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