

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2974 of 2002 (O&M)

Date of decision : 16.1.2023

...

Smt. Bhateri Devi and others

.....Appellants

vs.

Rajesh Kumar and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.R. Hooda, Advocate
for the appellants.

Mr. D.K. Dogra, Advocate for respondent No.5.

...

H. S. Madaan, J. (Oral)

Learned counsel for the parties have pointed out that on account of death of Raj Kumar @ Raju in a motor vehicular accident, which took place on 26.5.1997, at about 5.30 a.m., near ITI Chowk, Karnal G.T. Road, statedly on account of rash and negligent driving of vehicle involving TATA 407 four wheeler bearing registration No. DL-1 LB-7947 by Rajesh Kumar – respondent No.1, LRs of deceased namely, Smt. Bhateri Devi and others had filed a claim petition under Section 163-A of the Motor Vehicles Act, 1988. However, the Motor Accidents Claims Tribunal, Panipat, treated it as a petition under Section 166 of the Motor Vehicles Act, 1988 and decided it in that

very manner, awarding compensation of Rs.2,30,000/- to the claimants, payable by the respondents jointly and severally.

Both the counsel agree that the case be remanded to Motor Accidents Claims Tribunal, Panipat, with a direction to dispose it of by adopting procedure provided for deciding a petition under Section 166 (3) (A) of the Motor Vehicles Act, 1988.

The submission by learned counsel seems to have force. Therefore, the case is remanded to Motor Accidents Claims Tribunal, Panipat, with a direction to decide the case afresh by adopting proper procedure and then pass a fresh award. Parties through counsel are directed to appear before Motor Accidents Claims Tribunal, Panipat, on 16.2.2023. However, it is clarified that any amount of compensation received by the claimants from the respondents shall not be recovered from them in the meanwhile. The record of the case be sent back to the Motor Accidents Claims Tribunal, Panipat, immediately.

The appeal stands disposed of accordingly.

16.1.2023
chugh

(**H.S. Madaan**)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No