

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2439-2021 (O&M)

DATE OF DECISION :- 15.03.2023

Gurbachan Singh and others

...Petitioners

Versus

Sushil Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Ms. Ekta Thakur, Advocate
for the petitioners.

Mr. Vaibhav Bhargav, Advocate for
Mr. Gaurav Datta, Advocate
for respondent Nos.1 and 2.

Mr. Sidhant Mehra, Advocate
for respondent No.3.

H.S. MADAAN, J. (ORAL)

On account of death of Sukhwinder Kaur in a motor vehicular accident, her legal representatives, namely, Gurbachan Singh and others had filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 impleading the driver (name not mentioned, name and address to be supplied by owner of the offending motorcycle), owner, Raj Kumar and Insurer- United India Insurance Company Ltd., Chandigarh of Bajaj Platina motorcycle No.HR-03-R-2361 (hereinafter referred to as the 'offending motorcycle'). The proceedings before Motor Accident Claims Tribunal, Chandigarh (for short 'Tribunal') went on. Later the claimants during the course of proceedings filed an application for impleading driver and owner of the offending motorcycle, that application was resisted on behalf of

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Insurance Company-respondent No.3 and it was dismissed by the Tribunal vide impugned order dated 07.10.2021, leaving the claimants aggrieved and they have approached this Court by way of filing of the present revision petition, notice of which was given to respondents, who have put in appearance through their counsel.

I have heard learned counsel for the parties besides going through the record.

Section 166 of the Motor Vehicle Act, is a piece of welfare legislation enacted to provide compensation to the victims of the road side accident/legal representatives of the deceased victims. Strict rules of evidence and procedure are not applicable there. The bringing on record of the driver and owner of the offending motorcycle is necessary for complete and effective adjudication of the claim petition.

Learned counsel for the petitioners/claimants states that the petitioners/claimants were not aware of the driver of the offending motorcycle and with regard to the owner of the motorcycle, though his name has been correctly mentioned as Raj Kumar but his father's name was wrongly mentioned as Sant Ram when actually it was Surat Ram and now by way of the application the claimants want to give the name of the driver and correct father's name of Raj Kumar, which they have come to know from perusal of the criminal case registered against driver of the offending motorcycle. The Tribunal by adopting hyper technical approach by taking into view the fact that some Advocate had put in appearance on behalf of respondents No.1 and 2 earlier though he had absented later on, had declined the application.

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In my considered view, the approach of the Tribunal in doing so, was not correct. The impugned order cannot stand judicial scrutiny and is hereby set aside by way of acceptance of the revision petition. The Tribunal is directed to allow the claimants to implead the driver and owner of the motorcycle with correct father's name of respondent No.2-Raj Kumar and thereafter, proceed further in the matter.

The present civil revision petition stands allowed.

15.03.2023

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(H.S. MADAN)
JUDGE

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