

In the High Court of Punjab and Haryana, at Chandigarh

1. First Appeal Order No. 3871 of 2009 (O&M)

Smt. Jalebi Devi and Another
... Appellant(s)

Versus

Rajinder alias Raju and Others
... Respondent(s)

AND

2. First Appeal Order No. 3927 of 2009 (O&M)

Smt. Sumitra Devi and Another
... Appellant(s)

Versus

Rajinder alias Raju and Others
... Respondent(s)

DATE OF DECISION: 07.03.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ramesh Sindhar, Advocate
for the appellant(s).

Mr. Kamaldeep Singh Redhu, Advocate
for respondents No. 1 and 2.

Mr. Vinod Gupta, Advocate
for respondent No.3.

Anil Kshetarpal, J.

1. These two connected appeals are being disposed of by a common order with the consent of the learned counsel representing the parties.

at a very young age in a motor vehicular accident. Two claim petitions filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the 1988 Act”) were dismissed by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as “the Tribunal”) on the ground that the claimants have failed to establish that the accident took place due to the rash and negligent driving of Tractor/Trolley bearing registration plate No. HR-11B-3192 by respondent No.1.

3. The learned counsel representing the appellants submits that the Tribunal has not found that the insured vehicle was involved in the accident. He further submits that the appellants’ claim petitions have been dismissed only on the ground that they have failed to prove the rash and negligent driving by the driver of the aforesaid Tractor/Trolley. He further submits that in view of the judgment passed by the Supreme Court in ***Ram Murti and Others v. Punjab State Electricity Board 2022(4) TAC 738***, the claim petition could be converted into a petition under Section 164 of the 1988 Act and be granted a compensation @ ₹5,00,000/- in each case.

4. The learned counsel representing the respondents do not seriously dispute the aforesaid position.

5. Keeping in view the aforesaid position, the claim petitions filed by the appellants are converted into a petition under Section 164 of the 1988 Act because it is a beneficial legislation. The learned counsel representing the appellants submits that the coordinate Benches of this Court in ***Smt. Kesar v. Hari Parkash and Others (FAO-346-2006, decided on 08.11.2024*** and ***Chander Bhan v. Charan Singh and Others (FAO-4431-2006, decided***

Act along with the interest.

6. Accordingly, both the appeals are allowed and the appellants in both the appeals shall be entitled to compensation @ ₹5,00,000/- each along with interest @ 8% per annum from the date of filing of the claim petitions till its payment.
7. The miscellaneous application(s) pending, if any, in both the appeals shall stand disposed of.

March 07, 2025
“DK”

(Anil Kshetarpal)
Judge

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