



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

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TA-1310-2024(O&M)

Date of Decision: August 07, 2025

Smt.Raj Bala and another

...Applicants

Versus

Priyanka Rani and others

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.M.S.Dalal, Advocate
for the applicant.

Mr.Ankit Chaudhary, Advocate
for respondents No.1 and 2.

ARCHANA PURI, J.

The applicants have filed the present application for seeking transfer of the claim petition No.441 of 2023 dated 01.09.2023, titled 'Priyanka Rani & another vs. Vipin Kumar and others', filed by respondents No.1 and 2, pending before Motor Accident Claims Tribunal, Karnal and they seek transfer of the same to the Motor Accident Claims Tribunal, Kaithal.

Upon notice issued, the contesting respondents made appearance through counsel and filed the reply.

Learned counsel for the parties heard.

At the very outset, it is submitted by learned counsel for the

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applicants that son of the applicants, namely Surender had died in a motor vehicular accident, which took place on 31.07.2023. After his death, wife of deceased, namely Priyanka along with her minor daughter Tanvi had filed a claim petition bearing No.441 of 2023 dated 01.09.2023, without impleading the applicants, who are parents of deceased Surender. Even, the applicants had filed a claim petition bearing No.178 of 2023 and the same is pending before MACT, Kaithal.

In order to avoid multiplicity of litigation and also taking into consideration the applicants to be senior citizens, a prayer has been made for transfer of the claim petition filed at the instance of respondents No.1 and 2, pending before MACT Karnal to MACT Kaithal.

On the other hand, learned counsel representing respondents No.1 and 2, while making reference to the reply filed, submits that the claim petition filed by respondents No.1 and 2 is earlier in time and also it is submitted that respondents No.1 is taking care of her minor daughter, who is about 2 years old and therefore, it shall become difficult for her if the transfer application, as such, is accepted.

From the submissions aforesaid, it is evident that two claim petitions, vis-a-vis, death of Surender, in a motor vehicular accident are pending. The claim petition filed at the instance of the widow and minor daughter is earlier in time. As evident, the same was filed on 01.09.2023, copy whereof is Annexure P-2. It also reveals that parents of deceased Surender have not been made party in the aforesaid claim petition. Another claim petition filed at the instance of the applicants is pending before

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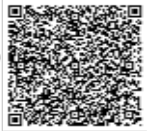
learned MACT Karnal, copy whereof is Annexure P-4 and it was filed on 29.09.2023. In the claim petition, the applicants have impleaded widow as well as daughter of deceased as respondents No.4 and 5.

The factual position in both the claim petitions is same. Even, the evidence to be brought on record, with regard to the vocation of the deceased as well as extent of multiplier to be applied, to work on the compensation, has to be same in both the cases. But anyhow, since the two cases are pending before different Tribunals, the chances of contradictory Awards, coming forth, as such, cannot be ruled out. In the given circumstances, it is just and appropriate that both the aforesaid claim petitions should be tried at one place.

Considering the same and also taking into consideration the most important very factor about the daughter of the deceased to be 2 years old, the circumstances of widow of the deceased are more constrained, which have to be taken care of.

In the light of the same, the claim petition filed at the instance of the applicants, who are parents of deceased Surender and which is later in time, copy whereof is Annexure P-3, stands transferred from MACT, Kaithal to MACT, Karnal.

Learned counsel for the applicants submits that the applicants have not been impleaded as party in the claim petition filed at the instance of widow of the deceased. May it be so. The applicants always have an option to file an application to be impleaded as party, in the claim petition filed at the instance of Priyanka Rani and Tanvi, widow and minor daughter of



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deceased Surrender.

Otherwise also, the claim petition filed by the applicants stands transferred and both the claim petitions shall be taken up together by concerned Tribunal.

In view of the aforesaid terms, the transfer application is disposed of and the claim petition bearing No.178 of 2023, titled ‘Smt.Raj Bala and others vs. Vipin Kumar and others’, filed by the applicants, stands transferred from Motor Accident Claims Tribunal, Kaithal, to Motor Accident Claims Tribunal, Karnal. The requisite record of the aforesaid case be sent by the MACT, Kaithal to the District and Sessions Judge, Karnal.

Learned District and Sessions Judge, Karnal shall assign the said petition to the Motor Accident Claims Tribunal, Karnal. Even, the parties are directed to appear before MACT, Karnal, within a period of one month from today onwards.

August 07, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No