
(2022) 08 P&H CK 0119

In the Punjab And Haryana At Chandigarh

Case No : Transfer Application No. 592 Of 2022 (O&M)

Dholi Devi And Another

APPELLANT

Vs

Pardeep Kumar And Others

RESPONDENT

Date of Decision : 24-08-2022

Acts Referred:

Motor Vehicles Act, 1988 — Section 140, 166

Citation : (2022) 08 P&H CK 0119

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : C.P. Tiwana, Udayveer Singh Rana

Final Decision : Disposed Of

Judgement

Arvind Singh Sangwan, J

Prayer in this petition is for transfer of MACP case No.478 of 2020 filed by respondent No.4 under Sections 166 & 140 of Motor Vehicle Act, 1988, pending before the Motor Accidents Claims Tribunal, Kurukshetra to MACT, Kaithal, where MACP case No.8 of 2021 filed by the petitioners is already pending.

Learned counsel for the petitioners has argued that on account of untimely death of Rani Devi, daughter of the petitioners and wife of respondent No.4 Manjeet Singh, who died on 30.10.2020 in a motor vehicle accident in the area of Police Station Kalayat, Tehsil and District Kaithal. It is further submitted that respondent No.4 Manjeet Singh filed MACP case No.478 of 2020 at Kurukshetra, without impleading the petitioners, who are parents of deceased Rani Devi and the proceedings are going before MACT, Kurukshetra. It is also submitted that the petitioners being parents of deceased Rani Devi have also filed MACP case No.8 of 2021, in which respondent No.4 Manjeet Singh is arrayed as respondent No.4 and is appearing in the said proceedings.

Learned counsel has further submitted that the petitioners are senior citizens and the accident took place in the jurisdiction of Police Station Kalayat, Tehsil and

District Kaithal. It is further submitted that since the question of negligence; question of assessment/quantum of compensation as well as apportionment qua the parents or the husband is to be decided, in order to avoid any divergent view by two different Tribunals, it will be in the interest of justice that both the cases are clubbed together and decided by one Tribunal.

Learned counsel for respondent No.4 has opposed the prayer for transfer on the ground that MACP case filed by respondent No.4 at Kurukshetra is at the final stage, as the evidence has been concluded.

However, on perusal of the claim petition i.e. MACP case No.478 of 2020 filed by respondent No.4 Manjeet Singh, it is apparent that the petitioners-parents of deceased Rani Devi are not impleaded as respondents, whereas in the claim petition i.e. MACP case No.8 of 2021 filed by the petitioners, Manjeet Singh is arrayed as respondent No.4.

After hearing the counsel for the petitioner, considering the aforesaid facts and circumstances of the case, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

1. MACP case No.478 of 2020 filed by respondent No.4 under Sections 166 & 140 of Motor Vehicle Act, 1988, pending before the Motor Accidents Claims Tribunal, Kurukshetra will be transferred to MACT, Kaithal.
2. The District Judge, Kaithal will assign MACP Case No.478 of 2020 to the same Tribunal, before whom MACP Case No.8 of 2021 filed by the petitioners is already pending, so as to avoid any contradictory orders.
3. The MACT, Kurukshetra is directed to transfer all the record pertaining to the aforesaid case to District Judge, Kaithal.
4. The parties are directed to appear before the MACT, Kaithal within a period of 01 month from today.

Present petition is disposed of accordingly.