
(1995) 01 P&H CK 0147

In the Punjab And Haryana At Chandigarh

Case No : First Appeal from Order No. 1484 of 1992

Kashmir Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 18-01-1995

Acts Referred:

Limitation Act, 1963 — Section 5
Motor Vehicles Act, 1988 — Section 166

Citation : (1995) ACJ 1188 : (1995) 110 PLR 327

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Advocate : B.R. Mahajan, for the Appellant; Ashok Aggarwal, Addl. A.G.,
Pardeep Bedi and Deepali Puri, for the Respondent

Judgement

Amarjeet Chaudhary, J.—The claimants had filed claim petition u/s 166 of the Motor Vehicles Act alongwith an application u/s 5 of the Limitation Act. The Motor, Accident Claims Tribunal, Amritsar vide its order dated 4.9.1992 dismissed the claim petition as well as application after recording a finding that the claim petition as well as application after recording a finding that the claim petition was barred by one year and three months.

2. Dissatisfied with the award, the claimants have filed the appeal and also an application u/s 140 of the Motor Vehicles Act 1988 for rent of no fault compensation.

3. The challenge to the award is that the Tribunal ought to have awarded a sum of Rs. 25,000/- on account of no fault liability for which there is no period of limitation.

4. After hearing learned counsel for the parties, this appeal is partly allowed following the ratio of law laid down in Ram Piari Vs. Punjab State Co-op. Milk Federation and Another, wherein it was held that there was no period of limitation provided under the Act for preffering an application for compensation

on account of "no fault liability".

5. In this view of the matter, the claimants are held entitled to the compensation of Rs. 25,000/- alongwith 12% interest per annum for the date of filing of the claim petition. The compensation amount is to be paid by the State of Punjab and Insurance Company in equal shares.

6. The F.A.O. stands disposed of accordingly. However, there will be no order as to costs.