

(1999) 08 MAD CK 0135

In the Madras High Court

Case No : C.M.A. No.1503 of 1994

Krishnaveni and Veeramadevi rep. by next friend and
guardian Krishnaveni

APPELLANT

Vs

B. Muruganathan and National Insurance Co. Ltd., Division 2,
First Floor, No.9, State Bank Road, Coimbatore

RESPONDENT

Date of Decision : 25-08-1999

Acts Referred:

Industrial Disputes Act, 1947 — Section 11(1)

Citation : (1999) 08 MAD CK 0135

Hon'ble Judges : M. Karpagavinayagam, J

Bench : Single Bench

Advocate : R.T.Doraisami, for the Appellant; N.E. Dinesh for Respondent-1, Mr. V.T.Balaji for Ms S. Revathi for Respondent-2, for the Respondent

Judgement

M. Karpagavinayagam, J.—Krishnaveni, the widow and minor Veeramadevi, the daughter of the deceased Palanisamy, the claimants are the appellants herein. For the death of the deceased due to the negligent driving of the motor-cycle by Muruganathan, the first respondent herein, they filed a claim petition seeking for a compensation for Rs.2,10,000/- making the owner of the vehicle as the first respondent and the Insurance Company as the second respondent.

2. This claim was resisted by the first respondent, the owner of the vehicle stating that though the vehicle was involved in the accident, the deceased sustained injury only due to his negligence and so, the claimants would not be entitled to any compensation.

3. The second respondent-Insurance Company objected to the claim through counter by stating that the vehicle in question was not involved in the accident and that there is no material to prove that the deceased died due to the injuries sustained at the time of the accident, since there was no post-mortem report.

4. The Tribunal, after enquiry, accepted the case of the Insurance Company, the

second respondent herein and rejected the claim petition. Hence, this appeal by the claimants.

5. The counsel for the appellants, while assailing the judgment impugned, would strenuously submit that the Tribunal has given a perverse finding by wrongly observing that there is no material to show that the vehicle in question was involved in the accident and due to the said accident, the deceased sustained injuries, despite the availability of the abundant materials.

6. The counsel for the first respondent, the owner of the vehicle would admit that his vehicle in question was involved in the accident, while he was driving the said vehicle, but would deny that he was negligent.

7. The learned counsel for the second respondent-Insurance company, in support of the judgment impugned, would submit that the reasonings given by the Tribunal for rejecting the claim petition are correct.

8. In the light of the rival contentions urged by the counsel for the respective parties, let me now go into the merits of the reasonings given by the Tribunal for rejecting the claim petition.

9. In order, to prove the plea of the claimants, the first claimant examined herself as P.W.1 and one Pongiyannan, eye-witness as P.W.2. Exs.A1 to A.25 were marked on behalf of the claimants. On behalf of the first respondent, the owner-cum-driver of the motor cycle, he examined himself as R.W.1 and marked Exs.B1 and B3. On behalf of the second respondent-Insurance Company, R.W.2 and R.W.3 were examined through whom Exs.B4 to B6 were marked.

10. Regarding the details of the accident and involvement of the vehicle in question in the accident, both P.W.2, the eye-witness and R.W.1, the owner of the vehicle would state in support of the plea raised by the claimants. However, the statement of P.W.2 that the first respondent was negligent and responsible for the accident was alone denied by the owner of the vehicle by the counter and the deposition by R.W.1.

11. In order to establish the identity of the vehicle involved in the accident, the claimants have marked Ex.A1, the F.I.R. copy, Ex.A3, the Charge-Sheet copy, Ex.A4, the judgment copy of the Criminal Court convicting the first respondent and Ex.A5, the intimation to the police with regard to the accident due to the vehicle in question from the K.G. Hospital, Coimbatore.

12. The accident took place on 3.6.1990. On 28.6.1990 the second claimant, that is, the son of P.W.1 gave F.I.R. In the said F.I.R., it is stated that the motor vehicle in question dashed against his father, the deceased on 3.6.1990.

13. Ex.A3, the Charge-Sheet copy also would reveal that the investigation done by the police disclosed that the accident took place on 3.6.1990, that the vehicle in question got involved and that the first respondent, the owner of the vehicle drove the vehicle and dashed against the deceased, due to which the deceased

sustained serious injuries.

14. Ex.A4, the judgment copy also would show that the first respondent was convicted on his plea of guilt admitting that he drove the vehicle in question and dashed against the deceased. Ex.A5, the intimation sent by the K.G. Hospital at Coimbatore to the police on 3.6.1990 at 3.00 p.m., which is the earliest document, would as well reveal the particulars of the identity of the vehicle involved in the accident and the date and time of the accident.

15. Apart from these materials, produced by the claimants, R.W.1 himself would admit in the counter as well as in the deposition as noted above, that he drove his vehicle at the time-and on the date mentioned by the claimants and that due to the said accident, the deceased sustained injuries.

16. This apart, the second respondent who pleaded that the vehicle in question did not get involved in the accident, had produced two witnesses, viz., R.W.2, the Accountant attached to the Insurance Company and R.W.3 Chidambaranathan, attached to a private detective agency, in order to substantiate its plea.

17. But, R.W.3, who was asked by the Insurance Company to investigate into the accident, had sent Ex.B5, the interim report and Ex.B6, the final report to the company admitting that the vehicle in question got involved in the accident. However, only one additional factor that R.W.3 would mention in the report is that the vehicle in question was driven at the time of the accident not by the first respondent but by his brother. He would further state in the report that though he came to know through enquiries that his brother drove the vehicle, there is no statement available from any of the witnesses in the area.

18. Thus, there are materials produced by all the three parties before the Tribunal, which would reveal that the vehicle in question was involved in the accident. Despite these materials, the Tribunal rejected the claim petition on the basis of the following two conclusions:-

i) The deceased did not sustain any injury due to the vehicle in question.

ii) By way of collusion, false documents have been created by both the claimants as well as the first respondent, the owner of the vehicle, in order to make a false claim from the insurance Company.

19. The Tribunal for arriving at these conclusions in the judgment containing about 34 pages, would give elaborate reasonings by referring about the nitty-gritty details of each one of the witnesses and every one of the documents. In other words, I would rather say that the Tribunal appreciated and analysed the evidence like a Sessions Court dealing with a murder case or a Civil Court deciding the various issues in a complicated suit.

20. As a matter of fact, the Tribunal took much pain to refer minute details found available in oral and documentary evidence in order to somehow or other see that the claim made by the unfortunate widow and children is rejected.

21. Now, let us see the reasonings given by the Tribunal to reject the claim, which are as follows:-

(a) Though the accident took place on 3.6.1990, the F.I.R. was given by the second claimant Arul Selvan, the son of the first claimant only on 28.6.1990, that is after a delay of 25 days. P.W.1, the mother would state that her son, the second claimant gave the complaint 10 days later. There is no details in Ex.A1 F.I.R. as to when the F.I.R. reached the Magistrate's Court.

(b) P.W.2 is the eye-witness. He accompanied the injured to Gopichettipalayam Hospital. After taking first-aid treatment, he was taken to Coimbatore Hospital. After 2-1/2 months, he was brought to the house. P.W.2 would admit that he knew the first respondent, who drove the motor cycle, which caused the accident. Though the Police Station at Bungalpudhur is situated only 4 furlong from the place of incident and there is also a Police Station near Gopichettipalayam on the way to hospital, he did not choose to give any complaint to the police. Even after he came back home, he would admit that he did not give any complaint and he was not examined by the Police. P.W.1., the first claimant also would admit that while coming to Gopichettipalayam, one has to cross Bungalpudur Police Station, but no steps were taken to give a complaint to the police. P.W.1, the first claimant would state in the claim petition that the injured was taken to Gopichettipalayam Hospital and no other particulars of the hospital have been mentioned. But, in the chief-examination she would state that he was taken to Government Hospital at Gopichettipalayam. However, in the cross-examination she would state that he was taken to Dr. Dhakshinamurthy Hospital and thereafter, he was taken to Coimbatore Hospital. But, these details have not been mentioned in the claim petition. So, both P.W.1 and P.W.2 are not reliable witnesses.

(c) The Motor Vehicles Inspector in Ex.A2 mentioned that there is no damage in the motor bike. Therefore, had the vehicle dashed against the injured, there would have been some damage in the vehicle. Since there is no damage, it cannot be held that the vehicle in question involved in the accident.

(d) It is stated by P.Ws.1 and 2 that the injured was initially taken to Dr. Dhakshinamurthy Hospital at Gopichettipalayam and thereafter to Coimbatore. If this is an accident case, the intimation would have been sent either by Dr. Dhakshinamurthy or by the K.G. Hospital to the Police. Ex.A5 would show that the intimation was sent by the K.G. Hospital, Coimbatore to Police. If it had been received by the police, the police would have come on the same day, that is, on 3.6.1990 and obtained the statement from the injured. Therefore, when the Police has not recorded any statement, no reliance can be placed on Ex.A5. Moreover, Ex.A5 has not been marked through the hospital authorities.

(e) Ex.B4, the claim form was sent by R.W.1, the owner of the vehicle on 4.6.1990 intimating the accident that the vehicle dashed against the dog. But, in the counter and in the deposition, the owner of the vehicle would state that the

vehicle in question got involved in the accident hitting against the injured. More over, though the charge-sheet Ex.A3 was filed by the police on 27.7.1990, the same was taken on file on 7.8.1990 and R.W.1, expecting that the injured would the at any time, in order to see that the criminal case is disposed of, admitted his guilt before the Criminal Court on 7.8.1990 itself and paid fine, that is, one day prior to the death of the deceased on 8.8.1990, the judgment copy of which is marked as Ex.A4. All these documents would show that both the claimants and the owner of the vehicle were colluding with each other, in order to help the claimants to make a false claim and to get an amount of compensation from the Insurance Company.

(f) Though R.W.3 attached to a private Detective Agency, who was examined on behalf of the Insurance Company, would admit on the basis of his investigative reports Exs.B5 and B6, that the vehicle in question got involved in this case, in support of the plea of the claimants, he cannot be relied upon, as he was not an eye witness to the accident.

22. On going through the entire records and on scrutinising the materials available on record, I am very much pained to hold that the judgment impugned rejecting the claim of the widow and children of the deceased, which has resulted in the flagrant miscarriage of justice, would contain monstrous and preposterous reasonings without adopting the basic principles in regard to the appreciation of the evidence on record, particularly while dealing with the motor accident claim cases.

23. As noted above, the Tribunal, which happens to be the Sub Court, Gopichetti palayam, which usually deals with the Sessions Criminal Cases and Civil suits with larger claims, has virtually dealt with this case in the same manner forgetting that it is a Tribunal dealing with the accident claim cases.

24. It is settled law that the appreciation and analysis of the materials available on record by the Tribunal is totally different from the approach of the Criminal Courts and the Civil Courts, while analysing the materials admitted in the said cases by strict observance of the Evidence Act, CPC and Code of Criminal Procedure.

25. In the instant case, the method of analysis to be adopted by the Tribunal in the motor accident claim cases has not been followed. The reading of the judgment covering several pages would clearly reflect the mind of the Tribunal to reject the claim of the petitioners, by mostly concentrating on irrelevant matters.

26. Let me now refer some of the decisions of the High Courts and the Supreme Court mandating as to how the Tribunals should analyse materials in regard to motor accident claim cases.

27. In N.K.V. Bros. (P) Ltd. Vs. M. Karumai Ammal and Others, the Supreme Court would observe as follows:-

Accidents Claims Tribunals must take special care to see that innocent victims do

not suffer and drivers and owners do not escape liability merely because of some doubt here or some obscurity mere. Save in plain cases, culpability must be interred from the circumstances where it is fairly reasonable. The Court should not succumb to niceties, technicalities and mystic maybe. We are emphasizing this aspect because we are often distressed by transport operators getting away with it thanks to judicial laxity, despite the fact that they do not exercise sufficient disciplinary control over the drivers in the matter of careful driving.

28. In *Banya Sarkar Vs. Sipra Guha Roy and Another*, a Division 8 Bench of the Calcutta High Court would hold thus:

After the accident a police case was started and in this connection reference was made to a decision of the Himachal Pradesh High Court in the case of *Bream Ram v. Anant Ram* 1990 A.C.J. 333 (HP), wherein it was held that no adverse inference could be drawn when the police accident was not reported to the police. The scope of awarding compensation under the Motor Vehicles Act and the scope of the criminal case are different. There may be cases where the Criminal case is not proceeded with or fails for want of witnesses because of the fact that the claimant may choose not to put the driver of the vehicle behind the bars but they are simply interested in getting compensation for the loss of life caused by the accident.

29. The High Court of Delhi in *Mahinder Singh Vs. Manju and Others*, would hold as follows:--

To this I may add the insurance company should also not escape liability merely because no effective representation is available to the claimant before the Tribunal regarding the manner in which the document is required to be proved. I think that the Tribunal must strike a balance between the strict rule of evidence, the need to dispose of matters and to do justice to the claimants before it. It would not be permissible for the Tribunals to ignore the principles regarding admissibility of documents to such an extent that it would amount to a denial of justice to the claimants.

30. In *United India Insurance Co. Ltd. Vs. Seno and Others*, , the High Court of Punjab and Haryana would state as follows:-.

The Tribunal has been vested with wide powers to evolve the procedure of its own which is in consonance with the rules and must be in adherence to the basic rules framed and the principles of natural justice. All procedural laws are intended to achieve the ends of justice and to make fair adjudication between the parties. As per well accepted principles of law, procedural law must be interpreted liberally to achieve the object of the Act.

31. The Rajasthan High Court in *Shrwan Kumar Vs. Rajasthan State Road Transport Corporation and Others*, would observe thus:-

In support of the proposition that the provisions of the Evidence Act do not apply strictly to the proceedings, he has relied upon decision of the Delhi High Court in

New India Assurance Co. Ltd v. Saloni Dargan 1990 ACJ 127 (Del). In this decision, the Delhi High Court has taken the view that the strict provisions of Evidence Act are not applicable in proceedings under the Motor Vehicles Act and the procedure is a summary procedure and any document having some probative value and the genuineness of which is not in doubt can be looked into by the Tribunal for getting preponderance of probable versions. This view commends itself to me. To my mind, provisions of the Evidence Act do not apply strictly to cases tried by the Motor Accidents Claims Tribunal, for the reason that the proceedings before the learned Tribunal are summary in nature.

32. In Rajasthan State Road Transport Corporation and Others Vs. Devilal and Others, it is held as under:-

Section 110-C, Motor Vehicles Act, 1939 provides that in holding enquiry u/s 110-B of the Act, the Claims Tribunal would follow such summary procedure as it thought fit. While interpreting similar words used in Section 11(1) of the Industrial Disputes Act, 1947, it has been observed in Grindlays Bank Ltd. Vs. Central Government Industrial Tribunal and Others, as under:

The words shall follow such procedure as the arbitrator or other party may think fit" are of the widest amplitude and confer ample power on the Tribunal and other authorities to devise such procedure as justice of the case demands.

It has further been observed in para 8 that object of giving such wide power is to mitigate the rigour of the technicalities of the law and to achieve the object of the effective investigation and settlement of disputes. Strictly speaking, the provisions of the Evidence Act are not applicable before the Tribunal. Reference to K. Gopalakrishnan v. Sankara Narayanan 1969 A.C.J. 34 (Mad) and Pandit Ham Saroop v. Balbir Singh (1988 A.C.J. 500 (Del)), may be made here.

33. In Geeta Devi and Others Vs. Amrik Singh and Others, , the High Court of Delhi would observe as follows:-

"Before I advert to the contentions and counter-contentions in this regard, it must be clearly understood that unlike the suits for damages the claims as a result of motor accidents are not filed before the Civil Courts and the legislature in its wisdom has created a totally independent forum for determining the compensation. Section 110-C of the Motor Vehicles Act clearly enjoins that in holding an enquiry u/s 110-A the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

The Supreme Court had also on occasion to go into this matter in Union of India (UOI) Vs. T.R. Varma, . This was a Constitution Bench and in respect of the application of the Evidence Act to the Tribunals, the following observations were made:

The Evidence Act has no application to enquiries conducted by the Tribunals, even though they may be judicial in character. The law requires that such Tribunals should observe rules of natural justice in the conduct of the enquiry

and if they do so, their decision is not liable to be impeached on the ground that the procedure followed was not in accordance with that, which obtains in a court of law.

It is thus clear that in dealing with these claims petitions the Tribunal is not bound to strictly adhere to the provisions of the Evidence Act. This is particularly so in view of the provisions of Section 110-C which entitled the Tribunal to follow any summary procedure it thinks fit.

34. In Union of India (UOI) and Another Vs. Mrs. Saraswati Debnath and Others, the Gauhati High Court would bold thus:

The law is well settled that in a claim under the Motor Vehicles Act, the evidence should not be scrutinised in a manner as is done in a civil suit or a criminal case. In a civil case and rule is preponderance of probability and in a criminal case the rule is proof beyond reasonable doubt. It is not necessary to consider these niceties in a matter of accident claim case in as much as it is summary enquiry If there is some evidence to arrive at the finding that itself is sufficient. No nicety, doubt or suspicion should weigh with the Claim Tribunal in deciding a motor accident claim case. The law on this is laid down by the Supreme Court in N.K.V.Bros (P) Ltd., v. M.Karumai Ammal (1980 ACJ 435 (SC))".

35. In New India Assurance Co. and Another Vs. Gauri Shanker Sharma and Another, the Rajasthan High Court would observe thus:-

It should not be forgotten that the Tribunals have been created to adjudicate the compensation claims in such cases by summary enquiries and, strict rules of evidence as are required in Civil Cases need not be expected and followed though, by and large they may guide the Tribunal. Similarly, when the claim is required to be proved before the Tribunal, the doctrine of burden of proof beyond reasonable doubt in criminal Cases, cannot be applied.

36. If the above principles are taken into account, then there is no difficulty in holding that the Tribunal in the instant case has not followed those principles and appreciated in the manner in which it ought to have dealt with and that therefore, the findings which reflect, in my view, the perversity would be liable to be set aside.

37. Coming to the materials, as indicated above, the plea raised by the claimant P.W.1 regarding the negligence and the involvement of the vehicle in question has been established by the eye witness P.W.2. in order to prove that the deceased was admitted in the hospital at Coimbatore due to the accident because of the negligent driving of the vehicle in question, the medical records have been produced on behalf of the claimants.

38. Among those records, Ex.A5 is an important document. This was recorded by Dr. Thilagar, attached to the K.G. Hospital, Coimbatore. As per this document, the injured Palanisamy was admitted in the hospital at about 2.50 p.m. on 3.6.1990 brought by Krishnaveni, the first Claimant P.W.1. It is also mentioned in

the column History as follows:

History: H/O. Road traffic accident cycle X Motor bike (kawasaki) Vehicle No.TN.33 Z.0079 at Punchai Thuraipalayam near Gobrchettipatayam at about 10.30 AM on 3.6.90.

39. Ex.A5 is the earliest document. The leading of the wordings contained in Ex.A5 would clearly show that the injuries were caused due to the accident took place on 3.6.1990 when motor cycle in question dashed against the cyclist, the injured. This document has been mainly rejected by the Tribunal merely on the basis that the doctor attached to the hospital was not examined.

40. As observed by the Courts indicated above, it is not necessary to examine the doctor to prove this document. It cannot be contended that a false entry had been made by the K.G. Hospital in its records for the purpose of supporting the case of the claimants.

41. Merely because the police did not go to K.G. Hospital to record the statement, it cannot be held that the hospital authorities would not have sent such an intimation. When there is an authenticated document, which is not disputed in the cross-examination, which shows that regarding the admission of the injured on 3.6.1990 at 2.30 p.m., the hospital authorities intimated to the police, the Tribunal cannot hold that this document cannot be acted upon.

42. No doubt, it is true that the complaint was given by the son of the first claimant only on 28.6.1990 with a considerable delay. But, aspect of the delay in giving F.I.R. would not be a consideration in the accident claim cases. Anyhow, in the present case, the explanation has been given for such delay in the complaint Ex.A1 itself by Arul Selvan, who later died. A similar explanation had been given by the first claimant also during her deposition.

43. Therefore, the identity of the vehicle involved in the accident has been established through the evidence of P.W.2 which is well corroborated by Ex.A5, which is a genuine authenticated earliest document of the well reputed K.G. Hospital at Coimbatore.

44. That apart, the First respondent-owner of the vehicle himself would admit both in the counter and in his deposition that he drove the vehicle on the relevant date and the accident in question took place. This statement also its corroborated by the contents of Ex.A3 charge sheet and Ex.A4, the judgment of the Criminal Court, which would reveal that he was convicted for his involvement of the offence relating to the accident.

45. When these materials are available, it is quite unreasonable on the part of the Tribunal to hold that a false claim was made, as a result of the collusion between the owner of the vehicle and the claimants. As a matter of fact, the Insurance Company, the second respondent herein did not state so in its counter. Even R.W.3, the detective agent who investigated on behalf of the Company, would specifically admit that his investigation disclosed that the vehicle in

question was involved in the accident on the said date. Strangely, the Tribunal disbelieved the evidence of R.W.3 also on the reason that he was not the eye witness.

46. This approach by the Tribunal, which I am wholly unable to appreciate, is quite improper and unrealistic. It is somewhat difficult to understand as to why the Tribunal disbelieved the evidence of R.W.3 who gave the details of his investigation made at the instance of the Insurance Company.

47. The Tribunal has observed that R.W.1 made a claim before the Insurance Company on 4.6.1990 stating that his vehicle got involved in the accident by dashing against a dog. But, it needs to be noticed that R.W.1 would specifically state that he had intimated about the accident orally and his signatures were obtained in blank papers and forms by the Insurance Company and that he never stated that since a dog came across the road, he fell down and damage was caused to the vehicle. This aspect of the statement by R.W.1 was never cross-examined by the Insurance Company. Moreover; the alleged false information with reference to the accident dashing against a dog was not mentioned in the counter filed by the Insurance Company.

48. Under those circumstances, the claim form Ex.B4 marked through R.W.2, the Senior Accountant attached to the Insurance Company would not be of any use to hold that the vehicle in question was not involved in the accident, particularly when R.W.3, another witness of the Insurance Company would admit the involvement of the vehicle in question.

49. In view of the above discussion, I am to hold that the judgment impugned is the product out of the misappreciation and misreading of the evidence ignoring the basic guidelines formulated and the principles enunciated by the Apex Court, while dealing with the cases relating to the accident claims.

50. In that view of the matter, the judgment impugned has to be set aside and accordingly, the same is set aside. Consequently, it shall be held that the accident took place due to the negligent driving of the first respondent-owner of the vehicle and as such, the second respondent-Insurance Company has to be held liable to pay the compensation to the claimants.

51. There is yet another aspect of the matter. As noted above, it is clearly established that the deceased sustained injuries due to the negligent driving of the motor bike by the first respondent. But, it has to be seen whether the deceased died as a result of those injuries.

52. Admittedly, the deceased was taken to Gopichettipalayam hospital immediately after the accident and thereafter, he was referred to Coimbatore hospital, where he was hospitalised for about 2 1/2 months. After discharge, he was brought back home at Kondayampalayam village. Only in the village he died on 8.8.1990.

53. It is not the case of the claimants that the deceased died at the hospital,

while he was taking treatment. It is also not in dispute with regard to the fact that post-mortem was not conducted. In such a situation, it would be very difficult to hold that the deceased died only due to those injuries caused due to the accident.

54. Such being the situation, then this Court is constrained to deal about the quantum of compensation only in the light of the injuries caused due to the accident and the loss of life would not be taken into consideration to fix the quantum.

55. In the claim petition, the total claim made was Rs.2,10,000/- including for the loss of life, that is, the death of the deceased. But, in view of the lack of materials regarding the cause of death, this Court would not be able to award any amount towards loss of life. However, it is stated that lot of expenditure had been incurred towards the transport to hospital at Gopichettipalayam and from there to Coimbatore Hospital and then from Coimbatore to other places and also towards medical expenses at Gopichettipalayam and Coimbatore for about 2-1/2 months. It is also stated that the deceased underwent an operation.

56. Under these circumstances, it would be appropriate to hold that the claimants would be entitled to a consolidated amount of Rs.1,50,000/- as compensation.

57. Therefore, the second respondent Insurance Company is directed to pay the said amount to the claimants along with interest at 12 per cent annum from the date of petition till the date of payment.

58. With the above observations, the appeal is disposed of. No costs. While I am sitting in this branch, I come across so many cases in which judgments are rendered by the Tribunals without adhering to the basic principles regarding the appreciation of the motor accident claim cases, but dealing with the cases, as if they are civil or criminal cases. Therefore, it shall be the duty of this Court to remind the Tribunals situated all over the State that the evidence in the motor accident claim cases should not be scrutinised in the manner as is done in a civil suit or in a criminal case and that appreciation in these cases would be entirely different, in as much as it is summary enquiry and as such, it would be proper for this Court to direct the Registry to place this judgment before My Lord The Honourable The Chief Justice for appropriate orders, if it deem fit, for circulating the copies of this judgment to the Tribunals dealing with the motor accident claim cases, so that it would be helpful to the Tribunals at least in the future to have a proper approach in dealing with the motor accident claim cases.