
(2005) 02 RAJ CK 0053

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 1186 of 1999

Manni and Others (Smt.)

APPELLANT

Vs

Rajani and Others

RESPONDENT

Date of Decision : 01-02-2005

Acts Referred:

Citation : (2005) 4 ACC 262 : (2005) 3 RCR(Civil) 371 : (2005) 3 RLW 1624 : (2005) 3 WLC 577

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : Sandeep Mathur, for the Appellant; R.S. Agarwal and R.B. Mathur, for the Respondent

Judgement

Gyan Sudha Misra, J.—This appeal has been preferred by the claimants-appellants against rejection of their claim petition before the Motor Accident Claims Tribunal, Jaipur City, Jaipur and the only ground of rejection was a dispute which arose between the legally wedded wife of the deceased Smt. Manni Devi and Prem Devi who also claimed to be the wife of deceased Prakash Chand. Hence, the claim petition was rejected by the Tribunal only on the ground that two persons claiming to be the wives of he deceased cannot be allowed to contest for receiving the amount of compensation. It further rejected the claim petition on he ground that the other wife Smt. Prem Devi was not impleaded as a party t the claim petition.

2. The approach of the Tribunal while dismissing the claim petition do not appear to be reasonable and justified on either of the two counts; as the Tribunal ought to have taken into consideration that the dispute for bifurcation of the amount of compensation between the legally wedded wife Smt. Manni Devi and the other claimant Smt. Prem Devi, who also claimed to be the wife of the deceased, could have been decided by an independent suit before a Court of competent jurisdiction and the claim petition could not have been rejected merely for this reason. The Tribunal was duty bound to determine the amount of compensation

on account of death of Shri Prakash Chand who admittedly died as a result of the accident caused by the vehicle insured with respondent No. 3-National Insurance Company Ltd. The order of the Tribunal, therefore, in so far as the rejection of the claim petition filed by Smt. Manni Devi wife of late Shri Prakash Chand, bearing claim petition No. 696/1998, which has been rejected by the Court of Motor Accident Claims Tribunal, Jaipur City, Jaipur is concerned, it set aside and the matter is remanded back to the Motor Accident Claims Tribunal, Jaipur City, Jaipur to determine the quantum of compensation, to be paid to the dependents of the deceased Prakash Chand. The Tribunal under the law is entitled to award the compensation to the legally wedded wife of the deceased-Prakash Chand and if there are other claimants including Smt. Prem Devi who claims to be the legal representative of the deceased Prakash Chand, they will have to file an independent suit in regard to the entitlement of their amount of compensation. The Tribunal however, is duty bound to determine and pass the award in accordance with law, after appreciation of evidence led by both the parties. The Claim Petition is therefore remanded back to the Motor Accident Claims Tribunal Jaipur City, Jaipur, and the appeal stands allowed and disposed of.

3. Since other claim petition in regard to this accident have already been decided and award has also been passed, it is expected of the Motor Accident Claims Tribunal, Jaipur City, Jaipur to give priority to this matter to decide it out of turn for determination of the compensation.