

(1992) 07 P&H CK 0027
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1704 of 1991

Ram Piari

APPELLANT

Vs

Punjab State Co-op. Milk Federation and Another

RESPONDENT

Date of Decision : 24-07-1992

Acts Referred:

Constitution of India, 1950 — Article 227, 227(1)
Motor Vehicles Act, 1939 — Section 92A

Citation : (1992) ACJ 1100 : (1992) 102 PLR 494

Hon'ble Judges : N.K. Kapoor, J

Bench : Single Bench

Advocate : A.P.S. Deol, for the Appellant;

Judgement

N.K. Kapoor, J.—The petitioner filed a claim petition u/s 110-A of the Motor Vehicles Act. Alongwith it an application u/s 92-A of the Motor Vehicles Act ,was filed for award of compensation on the principle of no fault liability. Alongwith this application, an application u/s 5 of the Limitation Act for condonation of delay in filing the application was also filed. The Motor Accident Claims Tribunal relying upon the evidence led by the petitioner in her application filed u/s 110-A of the Motor Vehicles Act, held this application also not within limitation. The Motor Accidents Claims Tribunal (for short "the Tribunal") came to the conclusion that the period prescribed for filing of application u/s 110/A of the Motor Vehicles Act is also applicable to an application u/s 92-A of the Motor Vehicles Act and consequently dismissed the same. The short and solitary submission of the learned counsel for the petitioner is that no period of limitation is prescribed for filing such a petition. The counsel besides referring to the statutory provisions contained in Section 92-A of the Motor Vehicles Act, relied upon the judgment reported as *Vipan Jhanji v. Punjab State*. (1985) 88 P. L. R. 461.

2. No period is prescribed for filing an application u/s 92-A of the Motor Vehicles Act. The observation of the Tribunal that the period of limitation as prescribed for filing an application u/s 110-A of the Motor Vehicles Act is also attracted to an

application u/s 92-A of the Motor Vehicles Act is merely conjectural Neither the statutory provision nor the judgment of this Court supports such a view Even otherwise, since I have already set aside the order of the Tribunal in petition u/s 110-A of the Motor Vehicles Act, this revision too merits acceptance. I accordingly set aside the impugned order and remit the case back to the Tribunal to award compensation for no fault liability according to law.