

(2002) 01 CHH CK 0001
In the Chhattisgarh High Court
Case No : Civil Revision No. 613 of 2001

Smt. Savitri Bai and Another	Vs	APPELLANT
Malinder Kaur and Others		RESPONDENT

Date of Decision : 22-01-2002

Acts Referred:

Madhya Pradesh Motor Vehicles Rules, 1994 — Rule 224
Motor Vehicles Act, 1988 — Section 140

Citation : (2002) 2 MPHT 30

Hon'ble Judges : Fakhruddin, Acting C.J.

Bench : Division Bench

Advocate : P.C. Jain, V.D. Bajpai, for the Appellant;

Judgement

Fakhruddin, Ag. C.J.

1. Heard.

2. The claim petition was filed on the ground that one Kanhaiyalal received fatal injuries and died. The matter remained pending for long. During the pendency, it transpired that the notice was directed to be issued on furnishing fresh Talwana to one Manjeet Singh who was subsequently joined as a party.

3. Learned counsel for the applicant submits that the learned Claims Tribunal dismissed the entire claim, which was pending since 1991, without entering into the merits of the case as Talwana could not be paid. He further submits that the dismissal of the claim is not at all justified, as the learned counsel for the Insurance Company was present on the said date and even no fault liability amount has not been paid. Learned counsel also submits that the Claims Tribunals have to dispense with justice keeping in view the salient features of the Motor Vehicles Act and also the law laid down by this Court. Regarding Talwana, they have to take into consideration Rules of 1994.

4. The claimant/applicant No. 1 Savitribai is a widow aged about 65 years and claim cases by Claims Tribunals have to be dealt keeping in mind the benevolent

provisions of law.

5. Having considered the facts and circumstances, in fact this Court had directed on 7-12-2001 that the report of the Distt. Judge be called for regarding pendency and disposal of claims cases from his District Court-wise and progress made. This Court vide its order dated 24-11-2001 had also called the report from the Presiding Officer explaining the circumstances under which whole claim has been dismissed and Tribunal would also inform as to whether any order u/s 140 of the Motor Vehicles Act regarding no fault has been passed and if passed, amount paid or not.

6. Learned Amicus Curiae and the learned counsel for the applicants relied on the judgments reported in 1993 (I) MPWN SN 62 (Dhaniram v. Gurdeep Singh) and also 1986 (I) MPWN 28 (Shahzad Khan v. M.A.C.T., Shivpuri) which lay clown that petition for compensation cannot be dismissed for want of process fee. Even, the Legislature has framed Rule 224.

7. Having thus considered the facts and circumstances and the material available on record, the claim case is restored to its original number. The Claims Tribunal shall pass orders regarding no fault liability u/s 140 of the Motor Vehicles Act, or otherwise as early as possible preferably within fifteen days from the receipt of certified copy of this order and copy of the said order shall be forwarded to the Registrar General of this Court. The Claims Tribunals shall further decide the cases as expeditiously as possible and periodical report shall be submitted to this Court.