
(2016) 03 SHI CK 0125
In the High Court Of Himachal Pradesh
Case No : FAO No. 458 of 2009

Sohan Lal

APPELLANT

Vs

Om Prakash Sharma

RESPONDENT

Date of Decision : 04-03-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 169

Citation : (2016) ILRHP 140

Hon'ble Judges : Mansoor Ahmad Mir, CJ.

Bench : Single Bench

Advocate : Mr. Romesh Verma, Advocate, for the Appellant; Mr. Ramakant Sharma, Senior Advocate with Ms. Soma Thakur, Advocate, for the Respondents; Mr. H.C. Sharma, Advocate, for the Respondent No. 2

Final Decision : Disposed Off

Judgement

Mansoor Ahmad Mir, C.J.(Oral)—This appeal is directed against the award dated 10th January, 2005, passed by the Motor Accident Claims Tribunal (II), Solan, District Solan, H.P. (hereinafter referred to as "the Tribunal"), in M.A.C. Petition No. 2-NL/2 of 2004, whereby compensation to the tune of Rs. 1,60,000/- with interest @ 9% per annum from the date of filing of the claim petition till its realisation came to be awarded in favour of the claimant-respondent No. 1 herein and against the owner and driver (hereinafter referred to as "the impugned award").

2. At the very outset, learned Counsel for the appellant-owner argued that the owner has taken specific plea in reply to the claim petition that the claimant had filed MACT Case No. 198 of 14.11.2003, titled Om Parkash Sharma v. Parkash & others, before the Motor Accident Claims Tribunal, Panchkula, which was dismissed, on merits, vide award dated 1.4.2005. The Tribunal has not discussed the said fact in the impugned award.

3. The learned Counsel for the appellant has produced a certified copy of the

award passed by the Motor Accident Claims Tribunal, Panchkula, in the aforesaid claim petition, made part of the file.

4. The second claim petition filed by the claimant before the Tribunal, on the same cause of action, was hit by the principle of res judicata and was to be dismissed.

5. Having said so, the impugned award is set aside, the claim petition is dismissed and the appeal is disposed of.

6. Send down the records after placing a copy of the judgment on the file of the claim petition.