
(1995) 04 P&H CK 0009

In the Punjab And Haryana At Chandigarh

Case No : C.M. No. 1922-CII of 1995 in First Appeal Against Order No. 538 of 1990

Surinder Kaur

APPELLANT

Vs

Lakhbir Singh and Others

RESPONDENT

Date of Decision : 24-04-1995

Acts Referred:

Motor Vehicles Act, 1988 — Section 140

Citation : (1996) 1 ACC 365 : (1996) ACJ 394 : (1995) 111 PLR 512

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

Bench : Single Bench

Advocate : B.R. Mahajan, for the Appellant; H.S. Kamboj, for the Respondent

Final Decision : Allowed

Judgement

N.K. Sodhi, J.—Sat Pal deceased met with a fatal accident while travelling in the offending truck driven by Lakhbir Singh respondent No. 1. The heirs of the deceased who are now appellants filed claim petition before the Motor Accident Claims Tribunal for award of compensation and one of the issues framed was "Whether the accident was caused due to the rash and negligent driving by Lakhbir Singh respondent No. 1". The trial Court dismissed the claim application holding that there was no evidence on the record to show that the truck was being driven rashly or negligently by respondent No.1. The appellants have filed the present first appeal which stands admitted. The prayer made in the application is for the award of Rs. 50,000/- on account of "no fault liability" u/s 140 of the Motor Vehicles Act. Notice of this application was issued to the respondents who have not filed any reply. Since the accident in the present case stands admitted, I am of the opinion that the owner and Insurance Company are both jointly and severally liable to pay an amount of Rs. 25,000/- to the claimants u/s 140 of the Act.

2. Mr. Mahajan learned counsel for the appellants submitted that the claimants are entitled to a sum of Rs. 50,000/- because Section 140 of the Act was

amended in September, 1994 and the amount of compensation on account of "no fault liability" has been enhanced to Rs. 50,000/-. The accident in the present case took place on April 27,1984 much prior to the amendment. The amendment would not, therefore, be applicable to their case.

3. Consequently, the application is allowed and the respondents are directed to pay a sum of Rs. 25,000/- to the claimants within two months from the date of receipt of a copy of this order.