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Sushil Kajal and Another Vs Jal Singh and Others

F.A.F.O. No. 893 of 1988

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Oct. 23, 1992

Acts Referred:
Succession Act, 1925 â€" Section 372

Citation: (1993) 1 ACC 9 : (1993) ACJ 1116

Hon'ble Judges: Amarjeet Chaudhary, J

Bench: Single Bench

Advocate: Ashit Malik, for the Appellant;

Final Decision: Allowed

Judgement

Amarjeet Chaudhary, J.
A claim petition before Motor Accidents Claims Tribunal, Kurukshetra, was filed by Kavita Kajal and Sushil

Kajal, claiming to be grandchildren of Beero Devi who had died on 8.1.1986.

2. The case of the appellants was that on 8.1.1986, Beero Devi boarded bus No. HRL 9659 from her village and while she was getting down the

bus at village Mathana, the bus conductor had blown whistle whereupon the driver immediately started the bus as a result whereof Beero Devi

received a jerk, fell down and was crushed under the wheels of the said bus. The claim petition was restricted under no fault liability only.

3. On the pleadings of the parties, the Motor Accidents Claims Tribunal framed the following issues:

(1) Whether Beero Devi died in an accident caused due to rash, negligent and careless driving of Haryana Roadways bus No. HRL 965? driven

by respondent No. 1?

(2) If issue No. 1 is proved, whether the claimants are entitled to any compensation? If so, its quantum and against whom?

(3) Relief.

4. The Tribunal returned a finding that Beero Devi had died while alighting from bus No. HRL 9659 and under issue No. 2 it was held that

claimants were not legal representatives of the deceased and as such not entitled to compensation.

5. Som Singh, father of the appellants, filed a petition in the Court of Senior Sub Judge, Karnal, for the grant of succession certificate u/s 372 of

the Indian Succession Act, being the legal heirs of the deceased. The court vide its judgment dated 23.4.1988 accepted the petition and ordered

for the issuance of succession certificate. Copy of the judgment dated 23.4.1988 has been allowed to be placed on the record vide separate order

in CM. No. 5698-CII of 1988 of even date and the same is marked as Exh. "A".

6. The only reason recorded by the Motor Accidents Claims Tribunal for not granting compensation to the appellants was that they were not the

legal heirs of deceased. Since now succession certificate has been ordered to be issued vide judgment Exh. "A", this court has reached the

conclusion that the appellants being the heirs of Beero Devi, deceased, are entitled to compensation of Rs. 25,000/- under no fault liability along

with 12 per cent interest from the date of filing of the appeal.

7. There will be no order as to costs.