

(2006) 09 P&H CK 0317

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Vijender Singh

APPELLANT

Vs

Kailash Sharma and
Others

RESPONDENT

Date of Decision: Sept. 11, 2006

Acts Referred:

- Motor Vehicles Act, 1988 - Section 163A, 166

Citation: (2008) ACJ 1093

Hon'ble Judges: Hemant Gupta, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Hemant Gupta, J.

The challenge in the present petition is to the order passed by the learned Motor Accidents Claims Tribunal dated 24.5.2005, whereby an application of the claimant-petitioner to treat the same u/s 166 of the Motor Vehicles Act, 1988, was dismissed.

2. Initially, the petitioner had filed the petition claiming compensation u/s 163A and Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act"). But on 24.11.2003, the learned Counsel appearing on behalf of the petitioner has made a statement to pursue the petition u/s 163A of the Act. By virtue of the present application, the petitioner wants to treat the petition u/s 166 of the Act instead of u/s 163-A of the Act.

3. Once the petition has made a statement to continue the petition u/s 163A of the Act, it is not open to the petitioner to turn out to assert that his claim of compensation be treated u/s 166 of the Act.

4. Having elected his remedy to pursue his claim u/s 163-A of the Act, the petitioner cannot claim compensation now u/s 166 of the Act.

5. Consequently, I do not find any illegality or irregularity in the order passed by the learned Tribunal which may warrant interference by this court in exercise of its revisional jurisdiction.