

Binder Singh Alias Sukhwinder Singh Vs.

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Court : Punjab and Haryana

Decided On : Feb-11-2014

Appellant : Binder Singh Alias Sukhwinder Singh

Judgement :

CR No.4956 of 2013 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH (104) CR No.4956 of 2013 Date of decision:11.02.2014 Binder Singh alias Sukhwinder SinghPetitioner Versus Kulwinder Kaur and othersRespondents CORAM: HON'BLE MRS.JUSTICE SABINA Present: Mr.Manish Soni, Advocate for the petitioner.

**** SABINA, J.

Petitioner has filed this petition challenging the order dated 10.05.2013 passed by the Executing Court, whereby objections filed by the petitioner, were dismissed.

Learned counsel for the petitioner has submitted that the petitioner was a minor at the time when the claim petition was filed and had not been impleaded through his guardian.

Therefore, the objection petition filed by the petitioner was liable to be allowed.

In the present case, Kulwinder Kaur and others had filed claim petition claiming compensation on account of death of Sikander Singh in the motor accident.

Petitioner was impleaded as Sandeep Sethi 2014.02.15 11:49 I attest to the accuracy and integrity of this document CR No.4956 of 2013 -2- respondent No.1 being driver of the offending vehicle.

The Motor Accident Claims Tribunal, vide its award dated 07.04.2009 (Annexure P-2).allowed the claim petition and awarded compensation to the claimants to the tune of ` 13,50,200/- It was further held that the petitioner and Ram Niwas Sharma (owner of the vehicle) were liable for payment of compensation.

During execution proceedings, petitioner filed objection petition claiming that he was a minor at the time of accident as his date of birth was 20.10.1989.

Further in the criminal proceedings, petitioner had been declared a juvenile.

Petitioner during the pendency of the claim petition never claimed that he was a minor.

Moreover, the claim petition was filed in August, 2007 and thereafter, petitioner appeared before the Tribunal through his counsel and it has been noticed by the Executing Court that before the Tribunal, petitioner had appeared in the witness box as RW-1 and had disclosed his age as 23 years at that time.

Thus, it appears that when the petitioner appeared before the Tribunal, he had already attained the age of majority and his objection petition was liable to be dismissed.

The fact that the petitioner has been declared a juvenile in the criminal proceedings has no bearing on the proceedings before the Motor Accident Claims Tribunal because in the criminal proceedings, the date of accident is relevant for trying the petitioner qua the offence committed by him.

However, in the civil proceedings, once the petitioner had attained the age of majority, he could pursue his case on his own behalf.

Sandeep Sethi 2014.02.15 11:49 I attest to the accuracy and integrity of this document CR No.4956 of 2013 -3- Hence, no ground for interference is made out.

Dismissed.

(SABINA) JUDGE February 11, 2014.

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