

Bhanwar Bai Vs. Shivkumar and ors.

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SooperKanoon Citation : sooperkanoon.com/507524

Court : Madhya Pradesh

Decided On : Apr-18-2000

Reported in : 2000(3)MPHT383

Judge : J.G. Chitre, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 165(1) and 166

Appeal No. : Civil Revision No. 546/97

Appellant : Bhanwar Bai

Respondent : Shivkumar and ors.

Advocate for Def. : S.V. Dandwate, Adv. for Respondent No. 3

Advocate for Pet/Ap. : K.C. Gangrade, Adv.

Disposition : Petition allowed

Judgement :

ORDER

J.G. Chitre, J.

1. Section 166 of The [Motor Vehicles Act, 1988](#) (hereinafter referred to as Act for convenient) provides--

(1) An application for compensation arising out of an accident of the nature specified in Sub-section (1) of Section 165 may be made (a) by the person who has sustained the injury; or (b) by the owner of the property; or (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be.

Proviso to Section 166 provides--

'Where all the legal representatives of the, deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.'

2. M.A.C.T. has to act keeping in view the benevolent provisions of new Act for the purpose of giving solace to the L.Rs. of victim, who died in motor accident or the victim who survived by inheriting the disability caused by such motor accident. Technical difficulties of not importance or less importance have to be solved out by adjudicating the rational, broad minded approach. Thus, hapless persons should not be asked to engage themselves in non-ending process of making applications after applications and approaching the lower Court, higher Court and highest Court.

3. The Tribunal is hereby directed to take undertaking from the petitioner that she is alone of deceased Pirozi. Thereafter, she be permitted to contest the claim and the said claim be decided in accordance with provisions of law. There is absolutely no need of asking the petitioner to obtain succession certificate because that would be engaging her in a time consuming process and would be virtually putting her on road.

4. Thus, petition stands allowed. No order as to costs.