



Respondent No 2 served) ' ' A

This Writ Petition in "titled 'iun(iie'iii.g\$trti'cfles 22l6'iaiid 227 of the Constitution of India prayiii'gt3'''t;VLi:n\$;h the jucignient and award at Annexure A and dateti:...9itl--.2.2\_oOe\$ p"asSed\_---b'y the Civil Judge (Senioi'VVDiyl\_s'ion) Claims Tribunal, l\Iaddur in MVCf.No.8i84{2{ } }'Van.cl'ett:., \_ .

Thie\_Wr\_jt .f'eti'tiio'n on for h.earii1g this day, the Court made the fti□owing: ~\_- A C 'ante \_\_\_\_\_ ORDER C He:1:rd».itl1eiCounsel for the petitioner.

2. V. 'oetitioner is the insurer of the offending vehicle "-which iv;\_a;\_\_=.l\$ involved in a motor accident. The occupants of the \_ive'iti.r:le who were injured, namely, the mother and her daughter,

-had sought for compensation on account of the injuries suffered in the accident. The petitioner herein had entered 2-appearance before the Motor Accidents Claims Tribunal and had disputed the liabiitiy, on 21 specific contention that the vehicle. invt)lve\*:l was a goods carrying vehicle and the claimants were...Linat1'tl'ierii';»i¢d passe.ngers travelling in 21 goods vehicle. The .Tt'iilitn£t\_l'''ht)Wt3V'€\_if, has faied to address the objection and has pifoce.eded.\_t("r i compensation and has fastened -l\_\_iabilit3r\_o'n the;'peti.:ione\_t. 'The: petitioner has been precluded filing .a't1..:i;1]\_jpezifl under the Motor Vehicles Act, 1933 iniviejwio't'i;Seicit.ion 173 which lays down 2i.1tifi\_eai.iii2\iii;ild»..i9;'ot be\_iiiinziintainable if the award is less than Rs.il'f{l,(.i{f } )/--'tind□.is"\*in"tli'i's background that the present writ petitionv is filed as the petitioner is Eeft with no remedy. the First iitforination Report, it was stated in the iii'i.rs't'\_\_instaneve ti.iVi1t".the'in\_§ured claiinants were waiting on the road V . for View of the offending lorry having picked them unauthorised passengers, it not open for them to ' contend that they were travelling as owners of the goods, who were the clziimzlnts bet'ore. the Motor Accident Claims Tribtinztl, such a stand on the part of the claimar1t--respondents being C()1lll'£;'l'y to the record is being overlooked by the Tribuiia.l\_iitnd the liability has been ineiowetly fastened on the petitiioijef.' -1- V

3. Given this circumstance and in vie\t:"of-- .t.'hefeSp'onder1'ts, not having chosen to contest the [fr-.,1f€-SE;I"1{..'ep€lel[\_i{ }n,ii' the:"e&>\_a□e' is allowed. The liability insofar as the petit-ioner isi..co=j\_ce--I1te£i, is set' aside. The claimants are left at\_Iibe11:y"t¢)workmtt their' remedies its signing: the owner of the 'vei1ielefE'~