

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CMPMO No.286 of 2020****Decided on: 19.08.2025**

Raksha Devi & others ... Petitioners**Versus**Versha Mukeshbhai Jain & others ... Respondents

Coram***Hon'ble Mr. Justice Ajay Mohan Goel, Judge.*****Whether approved for reporting?¹**

For the petitioners : Mr. Ashwani Sharma, Advocate.For the respondents : None.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, filed under Article 227 of the Constitution of India, the petitioners have assailed an Award passed by learned Motor Accident Claims Tribunal, Hamirpur, in MAC Petition No.51 of 2016, titled Raksha Devi & others Vs. Varsha Mukeshbhai Jain & others, under Section 166 of the Motor Vehicles Act, 1988.

2. A perusal of the Award in question demonstrates that three Issues were framed by the learned Tribunal and the petition has been dismissed in terms of the operative part of the Award by *inter alia* holding that the subsequent petition filed under Section 166 of the Motor Vehicles Act was not maintainable in light of the fact that earlier petition filed by the same set of petitioners was

¹ Whether reporters of the local papers may be allowed to see the judgment?



dismissed in default and by further holding that there was no evidence of negligence of the driver of the vehicle and therefore, the petitioners cannot be held entitled for the payment of any compensation.

3. This Court is of the considered view that in light of the findings returned by the learned Tribunal, more so in light of the fact that it is an Award passed by the learned Tribunal, which is assailed under Article 227 of the Constitution of India, this petition is not maintainable because when there is a statutory provision provided in the Motor Vehicles Act to challenge an Award, the petitioners ought to have had filed an appeal under the relevant provisions of the Motor Vehicles Act.

4. At this stage, learned Counsel for the petitioners submits that the petitioners be allowed to withdraw this petition with liberty to file a FAO and it be observed that the time spent by the petitioners while pursuing these proceedings be taken into consideration while computing limitation.

5. The petitioners are allowed to withdraw this petition, with liberty to file a FAO and it goes without saying that as the petitioners have been pursuing this remedy before this Court by way of present CMPMO, they can always state so in the application that



may be filed under Section 5 of the Limitation Act for the consideration of the same.

6. The petition stands disposed of. Interim order, if any, stands vacated. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

August 19, 2025
(Rishi)