

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) Nos. 851 & 852 of 2025

Date of decision: 2.6.2025

NICL.

....Applicant.

Versus

Hukam Chand & others.

....Respondents.

Coram

The Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting?¹ Yes.

For the Petitioners : Mr.Bhupinder Ahuja, Advocate.

For the Respondent: Ms.Seema Sharma, Deputy Advocate General.

Vivek Singh Thakur, Judge (Oral)

These applications have been filed for substitution of deceased respondent No. 2 Prabhu Nath through his legal heirs mentioned in para 3 of CMP (M) No. 851 of 2025. Copy of death certificate and legal heirs certificate of deceased have been placed on record indicating that Prabhu Nath had expired on 6.11.2020 and legal heirs proposed to be brought on record are as per details of legal heirs mentioned in legal heirs certificate of deceased.

¹***Whether the reporters of the local papers may be allowed to see the Judgment? Yes***

2. Learned counsel for the appellant submits that Prabhu Nath had expired prior to passing of award by MACT, during pendency of claim petition before MACT and, therefore, impugned award deserves to be set aside on this count only.

3. From conjoint reading of Section 169 of the Motor Vehicle Act and Rules 232 and 233 of H.P. Motor Vehicle Rules, it appears that rigors of Order 22 of the Code of Civil Procedure shall not be applicable in proceedings under Motor Vehicle Act, however, General Principle regarding substitution of deceased party during pendency of petition, shall be applicable in MACT cases also. Non substitution of deceased party may not be resulting into abatement of the claim, however, in case an award is going to affect legal heirs of deceased, then the impact of non-substitution and absence of necessary party has to be looked into and in such eventuality such issue either can be adjudicated by or through the MACT by remanding the matter to MACT or in the appeal preferred by either party, as the case may be, but depending upon the facts and circumstances of each case.

4. With aforesaid observations, keeping the issue of impact of death of deceased respondent No. 2 before MACT during pendency of claim petition open, in present case, legal heirs of deceased proposed to be

brought on record of the appeal are permitted to be brought on record as respondents No. 2(a) to 2(d), respectively.

The applications are allowed and disposed of in aforesaid terms.

2nd June, 2025
(Keshav)

(Vivek Singh Thakur),
Judge.