

**CMPMO No. 517/2009**  
**CMP No. 666/2009**

31.12.2009

Present: Mr. Amar Deep, vice counsel for the petitioner.

Mr. Hoshiar Kaushal, vice counsel for respondents No.1 to 5

In the impugned order dated 20.2.2009 passed by the Motor Accident Claims Tribunal-I, Sirmaur District at Nahan, H.P., the Tribunal has only directed the petitioner and the respondent No.6 to pay a sum of Rs.50,000/- to the claimants (respondents No.1 to 5 herein). There is no error in the impugned order. However, it is clarified that in the event of the claimants failing to prove that the petitioner and the respondent No.6 were negligent in causing the accident, the amount shall be refunded by them along with interest at such rates as may be determined by the Tribunal. Further, if it is held that petitioner is not liable to pay the amount to the claimants, it shall be open for him to recover the same from respondent No.6 along with interest at such rates as may be determined by the Tribunal.

With these observations, the petition is disposed of, so also the pending application.

**( Sanjay Karol ),**  
**Judge.**

**December 31, 2009**  
**(rana)**