

**The High Court Of Madhya Pradesh****MA-934-2006***(SALIGRAM Vs CHARAN SINGH)***Gwalior, Dated : 31-01-2019**

Shri Arun Sharma, learned counsel for the appellants.

None for respondents No.1 & 2.

Shri B.K.Agrawal, learned counsel for respondent No.3.

Shri R.P.Gupta and Shri O.P.Mathur, learned counsel for respondent No.4.

This appeal has been filed by the appellants, who are parents of deceased Uma who was married to respondent No.4- Krishnagopal and died in an accident which had taken place on 16.1.2000. Claimants had filed a second claim bearing No.9/2006, old No.10/2000, as against the claim of the husband/respondent No.4 in the present appeal, who had filed claim No.10/2006, old No.19/2000. Parents in the present appeal are aggrieved by award dated 7.9.2006 passed by the Third Motor Accident Claims Tribunal (Fast Track Court), Dabra, Distt. Gwalior, whereby claim filed by the present appellants, parents of the deceased, has been rejected on the ground that they are not entitled to receive any amount and if they have received any amount under Section 140 of the Motor Vehicles Act, 1988, then they shall refund the same to the Insurance Company.

On the other hand, learned counsel for respondent No.4 submits that respondent No.4 has reached to an understanding with the present appellants and it has been decided amongst themselves that if any amount of interim compensation has been awarded in favour of the present appellants, then they shall keep the same with them and respondent No.4 shall accept remaining amount of compensation from the Insurance Company and in case no amount has been received by the present appellants, then he shall pay a sum of Rs.50,000/-, amount of interim compensation payable under Section 140 of the Motor Vehicles Act in case of death or permanent disablement.

With this understanding between the appellants and respondent No.1

and in view of the settled legal position as has been enunciated by this High Court in the case **Ramsingh and another Vs. Shivaji Rao and others** as reported in **2005(2) T.A.C. 554 (MP)** that claim application filed by the parents of the deceased is not maintainable and it is husband alone who is legal representative and entitled to file claim petition, this Court is of the opinion that since parties have already settled their dispute and it has been amicably settled between them that present appellants shall be entitled to keep the sum of interim compensation and the remaining amount of compensation shall be apportioned by respondent No.4, husband of the deceased, this issue does not call for any further elaborate discussion for the present and keeping this issue open for some appropriate occasion, the appeal is disposed of in terms of the above settlement as has been reached between the parties.

(VIVEK AGARWAL)  
JUDGE

ms/-



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