APPELLATE CIVIL

Before Ajit Singh Bains and S. P. Goyal, JJ.

STATE OF HARYANA,—*Appellant.*

versus

PUSA RAM ETC.,—*Respondents*

First Appeal from Order No. 3 of 1972

September 22, 1977.

Motor Vehicles Act (IV of 1939)—Sections 110 and 110(A)—Compensation claim for damage to property simpliciter—No bodily injury caused to the claimant—Such claim—Whether can be entertained by the Tribunal.

Held, that a bare reading of section 110(1) of the Motor Vehicles Act 1939 would show that the tribunal is now authorised to adjudicate upon claims of compensation involving death of or bodily injury to persons or damage to any property or both. The word 'injury' is a word of very wide amplitude and includes both bodily injury and injury to property. The word 'injury' means, "damage or hurt done or suffered by a person or thing" and the person whose property has been damaged in a motor accident would, thus, be the person who has sustained injury within the meaning of clause (1) (a) of section 110(A) of the Act. The claim for damage to property simpliciter is, therefore, within the cognizance of the Tribunal.

(Para 5)

First Appeal From Order of the Court of Shri R. L. Garg (Additional District and Sessions Judge), Motor Accident Claims Tribunal, Hissar dated the 5th day of October, 1971, dismissing the petition of the petitioner.

Claim : Petition under Section 110-A of the Motor Vehicles Act.

Claim in Appeal : For reversal of the order of the Tribunal.

Gian Singh, Advocate,—*for the Appellants.*

V. P. Gandhi. Advocate, *for the Respondents.*

JUDGMENT

S. P. Gopal, J.

(1) This appeal from the order of the Motor Accident Claims Tribunal, Hissar (hereinafter referred to as the Tribunal), dated October 5, 1971, raises an interesting point of law as to whether a

compensation claim for damage to property simpliciter can be entertained and adjudicated upon by the Tribunal under section 110(1) of the Motor Vehicles Act, 1939.

(2) The appellant-Haryana State—preferred a claim application before the Tribunal for an amount of Rs. 3,000 by way of compensation on the allegations that five buffaloes of the Progeny Testing Farm, Hissar, owned by the State, were killed by rash and negligent driving of Truck No. HRH-7467 on September 17, 1970 by Duli Chand driver.

(3) The claim was contested by the respondents who also raised a preliminary objection that the Tribunal had no jurisdiction to entertain the same. Relying on *Smt. Jaswant Kaur and others* v. *Shri Ratti Ram and others* (1), the Tribunal upheld the plea of the respondents and dismissed the petition. The correctness of this order is under challenge in this appeal.

(4) Mr. V. P. Gandhi, the learned counsel for the respondents does not dispute that the proposition laid down in *Smt. Jaswant Kaur's case* (supra) does not hold the field any more because of the amendment brought about in section 110 by the Amending Act No. 56 of 1969. He, however, sought to sustain the order of the Tribunal on another ground that no claim application is competent by a third person who has not received any bodily injury. To substantiate this argument, the learned counsel referred to the provisions of section 110-A(1) and contended that under sub-clause (a) which alone could possibly be invoked in the present case, the claim application is competent only by the person who has sustained bodily injury. The argument of the learned counsel seems to be that the word "injury" in sub-clause (a) means only the bodily injury and that unless a person making a claim for damage to property has also received bodily injury in the accident, no such claim would be maintainable. In support of his contention, the learned counsel, placed reliance on *Parsubhai Altapbhai Saiyed and others* v. *Dullabhbhai Bhagabhai Patel* (2) and *B. S. Nat* v. *Bachan Singh and others* (3). *In Parsubhai's case* (supra), the provisions of section 110-A(1) were interpreted prior to the amendment of section

(1) 1970 P.L.R. 932.
(2) 1973 A.C.J. 149.
(3) 1971 A.C.J. 37.

110 in the year 1969. On a combined reading of sections 110(1) and 110-A(1), it was held that application before the Tribunal could be made only by a person who has sustained bodily injury and that the person who has suffered damage to his property as a result of the accident was not given the right to make such application. Prior to the amendment in the year 1969, the Tribunal had the jurisdiction only to adjudicate claims for compensation in respect of accidents involving the death of or bodily injury to the persons arising out of the use of motor vehicles and it was only by the Amendment Act No. 56 of 1969 that the claims respecting damage to the property of a third party were made triable by the Tribunal. So this decision decision which was rendered prior to this amendment on the combined reading of section 110(1) and section 110-A)(1) is not of much help in the interpretation of the provisions of clause (1) of section 110-A. So far as *B. S. Nat's case* (supra) is concerned, what was relied upon by the learned counsel were some *obiter dicta* observations of C. G. Suri, J. according to which some corresponding amendments consequential to the changes made in section 110 should have been made in the clauses of section 110A(1) which are supposed to give an exhaustive list of the categories of persons who can file application under the Act. These observations by the learned Judge can hardly be said to contain any expression of opinion on the interpretation of the provisions of section 110-A(1) and, therefore, are also of no help.

(5) It was next contended that though the provisions of section 110(1) were amended so as to authorise the Tribunal to decide claims respecting damage to property yet no corresponding amendment was made in sub-section (1)(a) of section 110(A) which necessarily implies that the Legislature intended to authorise the Tribunal to try only composite claims of bodily injury and damage to property and not the later claims simpliciter. We quite appreciate the ingenuity of the argument but find no substance in it. The bare reading of the amended section 110(1) would show that the Tribunal is now authorised to adjudicate upon claims or compensation involving the death of or bodily injury to persons or damage to any property or both. The claim for damage to property simpliciter is, therefore, within the cognizance of the Tribunal. The Legislature probably did not deem it necessary to make any corresponding amendment in section 110(A) because the word injury is a word of very wide amplitude and includes both bodily injury and injury to property. According to dictionary meaning of the word, "injury" means, "damage

or hurt done or suffered by a person or thing". As a general term, therefore, it means, hurt of any sort whether suffered by a person or a thing and the person whose property has been damaged in a motor accident would, therefore, be the person who has sustained the injury within the meaning of clause (1) (a) of section 110-A of the Act.

(6) Again section 110-F of the Act expressly bars jurisdiction of the civil court to entertain claims which can be adjudicated upon by the Tribunal. A claim for damage to property to the extent of Rs 2,000 has been expressly made triable by the Tribunal after the amendment referred to above. The combined effect of the provisions of the two sections—section 110(1) and section 110-F—necessarily is that claim for damage to property to the extent of Rs. 2,000 is triable by the Tribunal and the jurisdiction of the civil court is expressly barred. If the contention of the learned counsel is accepted, the result would be that claim for damage to the property to the extent noted above would not be entertainable either by the Tribunal or by the civil court if the claimant has not also received bodily injury. Such an incongruous situation cannot be countenanced nor can such an intention be ascribed to the Legislature.

(7) The purpose of the amendment made in section 110(1) of the Act was obviously to provide a speedy remedy for the settlement of the claims for damage to property arising out of the use of motor vehicles. It is a well settled principle of interpretation of the Statutes that where the court is faced with a choice between a wide meaning which carries out what appears to have been the object of the Legislature more fully, and a narrower meaning which carries it out less fully or not at all, it will often choose the former. Reference in this respect may be made to *Nokes* v. *Don Caster Amalgamated Collieries Ltd.* (4), where Viscount Simon L.C. observed:

> "If the choice is between two interpretations, the narrower of which would fail to achieve the manifest purpose of the legislature, we should avoid a construction which would reduce the legislation to futility and should rather accept the bolder construction based on the view that Parliament would legislate only for the purposes of bringing about an effective result".

(4) (1940) A. C. 1014.

Keeping in view the intention of the Legislature, it would be proper to give a wider meaning to the word "injury" in clause (1)(a) of section 110-A so as to include injury to the property also. We are supported in our view by a single Bench decision of the Gujarat High Court in *Ratan Singh Karsanbhai Nakum* v. *Isadkhan Gulam-Khan and others* (5) where Desai, J. after noticing the observations in *Parsubhai's case* (supra) held that:

> "these observations were made in the context of section 110(1) as it existed then. In fact, the aforesaid conclusion was arrived at by the learned Judge on a combined reading of section 110(1) and section 110-A. We may adopt the same approach after the amendment, and try to solve the question posed before us by a combined reading of sections 110(1) and 110-A as amended. It is quite clear that, in view of the amended section 110(1) the third person who is not bodily injured or whose property is damaged, is a person who has sustained the injury (not necessarily a bodily injury) as contemplated by clause (a) of section 110-A(a)".

Similarly, in *Shyambihari* v. *Shiv Singh and another* (6), Sohani, J. before whom reliance was placed on *B. S. Nat's case* (supra) observed that this case was clearly distinguishable and was no authority for the proposition that in spite of an amendment made in section 110 of the Act, the word, "injury" should be given a restricted meaning. The learned Judge was, therefore, further of the opinion that the word "injury" in the context of provisions of section 110 of the Act as amended by Act No. 56 of 1969 would also include injury to the property of the person.

(8) In view of the above discussion, this appeal is allowed, the order of the Tribunal is set aside and the case is sent back for further proceedings in accordance with law. No order as to costs.

A S. Bains, J.—I agree.

H. S. B.

(5) 1975 A.C.J. 455.
(6) 1976 A.C.J. 95.