

CHAPTER XII CLAIMS TRIBUNALS

165. Claims Tribunals. – (1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereafter in this Chapter referred to as Claim Tribunal) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both.

Explanation. – For the removal of doubts, it is hereby declared that the expression “claims for compensation in respect of accidents involving the death of or bodily injury to persons arising out of the use of motor vehicles” includes claims for compensation under section 140⁹⁸ [and section 163-A].

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he –

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a High Court Judge⁹⁹ [or as a District Judge.]

(4) Where two or more Claims Tribunals are constituted for any area, the State Government, may by general or special order, regulate the distribution of business among them.

Corresponding Law. – Section 165 corresponds to section 110 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 165 empowers the State Government to constitute Claims Tribunals to adjudicate upon claims for compensation arising out of motor vehicle accidents, resulting in death or bodily injury to persons or damages to any property of third parties.

NOTES

Where railway and motor vehicle are both joint tort-feasors. – Where there is negligence only of motor vehicle and where railway and motor vehicle are both joint tort-feasors, claim would lie to the Motor Accidents Claims Tribunal under the Act of 1988: Union of India v. Satish Kumar Patel (@000) 3 M.P.L.J. 1 (Madh. Pra.) (D.B.); Gujarat State Road Transport Corporation v. Union of India (1987) 2 Acc.C.C. 80: 1987 Acc.C.J. 734 (Guj.) (D.B.); Maniklal Dubey v. Mohd. Ismail (1999) 1 M.P.L.J. 222: 1998 Acc. C.J. 888 (Madh. Pra.) (D.B.); Divisional Railway Manager, Southern Railways v. Karnataka State Road Transport Corporation 1998 Acc. C.J. 973(Karn.).

166. Application for compensation. – (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made –

(a) by the person who has sustained the injury; or

⁹⁸. Added by Act. 54 of 1994, S. 52 (w.e.f. 14-11-1994).

⁹⁹. Added, *ibid* (w.e.f. 14-11-1994).

- (b) by the owner of the property; or
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- (d) by any agent duly authorized by the person injured or all or any of the legal representatives of the deceased, as the case may be :

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

¹ [(2) Every application under sub - section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides, or carries on business or within the local limits of whose jurisdiction the defendant resides and shall be in such form and contain such particulars as may be prescribed:

Provided that where no claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.]

² [***]

³ [(4) The Claims Tribunal shall treat any report of accidents forwarded to it under sub-section (6) of section 158 as an application for compensation under this Act.]

Corresponding Law. – Section 166 corresponds to section 110-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 166 provides for the form of application for compensation, the person who may claim compensation, the time within which the application should be filed, etc. It also provides that if the Claims Tribunal, think so, may treat the accident report filed by the Police Officer as per clause 158 as an application under this Act.

1. Sub.-S. (2) substituted by Act 54 of 1994, S.53 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under:-

“(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed :

Provided that where any claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.”

2. Sub-S. (3) omitted, *ibid* (w.e.f. 14-11-1994). Prior to its omission, sub-S.(3) read as under :-

“(3) No application for such compensation shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after expiry of the said period of six months but not later than twelve months, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.”

3. Sub-S. (4) substituted by Act 54 of 1994, S. 53 (w.e.f. 14-11-1994). Prior its substitution, sub-S. (4) read as under :-

“(4) Where a police officer has filed a copy of the report regarding an accident to a Claims Tribunal under this Act, the Claims Tribunal may, if it thinks necessary so to do, treat the report as if it were an application for compensation under this Act.”

NOTES

Proceedings under sections 163-A and 166 can go together. – Under S. 163-A of the Motor Vehicles Act, the defenses which are open to the insurance company under S. 149 have been taken away by virtue of the language used in the section. The proceedings under Ss. 163-A and 166 of the Motor Vehicles Act can go together being independent provisions and awarding of compensation under S. 163-A like under S. 140 does not detract or defeat the provision of S. 166 of the Motor Vehicles Act: *National Insurance Company Limited v. Indu Sharma* (2000) 1 Acc.C.C. 536: (2000) 3 T.A.C. 433 (P & H).

On reading sub-S. (2) of s. 163-A, it is clear that claim under S. 163-A is based on no fault liability while claim under S. 166 is on a fault liability S. 163-A does not call for any long drawn trial which is inherent in S. 166 special damages can also be claimed. Under S. 163-A, income at the time of accident is taken into consideration while for arriving at the datum figure under s.166 not only the income at the time of accident but future prospects also certain to take shape may be taken into consideration as a long drawn trial takes place. While deciding S. 166 application, it is the Tribunal who has to adjudicate and come to the conclusion as to which multiplier will be applicable while in an application under S. 163-A multiplier is fixed on the basis of age group as stated in Schedule, a part of section. In an application under S. 163-A, age of the victim is relevant to arrive at the number of multiplier while in S.166 application there are number of factors which the Tribunal has to take into consideration, for example, who are the dependents either heirs, or parents and their age. Age of heirs and parents is not taken into consideration while deciding the multiplier under S. 163-A, while age of heirs and age of parents, if dependents, has to be considered in deciding the multiplier in application under S. 166 of the Act. For damage to property arising out of motor vehicle, there is no such right under S. 163-A but the same is available under S. 166. If income of the claimant is not known then S. 163-A provides for a minimum income while in claim under S. 166 of the Act, Tribunal is required to adjudicate and decide the minimum income may be on presumptions S. 163-A has specifically provided for loss to the estate no doubt to a limited extent without proof under S. 163-A while the same cannot be awarded without proof under S. 166 of the Act. On furnishing a data as to age of the victim, Schedule provides as a statutory guide and illusion to calculate the award amount while it is not so available for claims under S. 166: *Ramdevsing V. Chudasma v. Hansrajbhai V. Kodala* (1999-1) 40 Guj. L.R. 631: (1999-1) 19 Guj.L.H. 278: (1999) 2 Acc.C.C.730 (D.B.).

The Motor Vehicles Act, 1988 does not define the expression “legal representative” in S. 166 of the Act or in any of the defining sub-sections of S. 2 of the Act. Therefore, the defining of legal representative as provided in S. 2 (11) of the C.P. Code has to be referred to. Thus, a person, who in law, represents the estate of the deceased or a person who intermediates with the estate of the deceased, would be the legal representative of the deceased within the meaning of the Motor Vehicles Act: *Cholan Roadways Corporation Ltd. V. Pavunraj* (2000-1) 128 Mad. L.W. 796: (1999) 2 Acc.C.C. 518.

Driver to be impleaded before an adjudication is claimed under S. 166. – A third party for whose benefit the insurance is taken, is entitled to show, when the moves under S. 166, that the driver was negligent in driving the vehicle resulting in the accident; that the owner was

vicariously liable and that the insurance company was bound to indemnify the owner and consequently, satisfy the award made. Therefore, under general principles, one would expect the driver to be impleaded before an adjudication to compensation for an accident under S. 166 as to whether a claimant before the Tribunal is entitled to compensation for an accident that has occurred due to alleged negligence of the driver: *Oriental Insurance Company Limited v. Meena Variyal* (2007) 5 S.C.C. 414.

Right to file a claim application has to be considered in the background of right to entitlement. – The right to file a claim application has to be considered in the system is applied because of deprivation of dependency. In other words, multiplier is a measure. There are three stages while assessing the question of entitlement. Firstly, the liability of the person who is liable and the person who is to indemnify the liability, if any. Next is the quantification and S. 166 is primarily in the nature of recovery proceedings. Liability in terms of S. 140 does not cease because of absence of dependency. S. 165 of the Act also throws some light on the controversy. The explanation includes the liability under Ss. 140 and 163-A, judged in that background where a legal representative who is not dependent files an application for compensation, the quantum cannot be less than the liability referable to S. 140. Therefore, even if there is no loss of dependency the claimant if he or she is a legal representative will be entitled to compensation, the quantum of which shall be not less than the liability flowing from S. 140: *Manjuri Bera v. Oriental Insurance company Ltd.* A.I.R. 2007 S.C. 1474.

Wife. – Where claimants were wife, sons and daughter of the deceased and it was found that sons and daughters were majors and settled in life, held, only the wife would be entitled to compensation: *Sakharibai Hasanali Makani v. Girish Kumar Rupchand Gadia* (1997) 1 Acc. C.C. 668: 1997 Acc.C.J. 95(Bom.) (D.B.).

Remarriage by widow-Effect. – A widow who had remarried was also entitled to compensation till the date of her remarriage: *Kartikram Dhimar v. Chandragopal Verma* 1998 A.I.H.C. 1066 (Madh. Pra.) (D.B.); *New India Assurance Co. Ltd. V. Jagdeep Riad* (1986) 1 Acc.C.C. 291 (P & H); *Makbool Ahmed v. Bhura Lal* A.I.R. 1986 Raj. 177.

Husband. – Husband is a legal heir of the deceased-wife and where it was found that she was contributing her earnings to the family apart from her domestic services, held, husband was entitled to compensation for the damage caused to him by the death of his wife : *Babu v. Kacharu* (1999) 1 Acc.C.C. 317 (Madh. Pra.) (D.B.); *M.P. Electricity Board v. Ram Mohan* (1998) 1 M.P.L.J. 427: 1998 Acc. C.J. 651: 1997 A.I.H.C. 311 (Madh. Pra.)(D.B.).

Period of limitation – Repeal of sub-section (3) – Effect. – The effect of the Amending Act is that w.e.f. 14-11-1994, there is no limitation for filing claims before the Tribunal in respect of any accident. It can be said that Parliament realized the grave injustice and injury which was being caused to the heirs and legal representatives of the victims who died in accidents by rejecting their claim petitions only on ground of the limitation. It is a matter of common knowledge that majority of the claimants for such compensation are ignorant about the period during which such claims should be preferred. After the death, due to the accident, of the bread earner of the family, in many cases such claimants are virtually on the streets. Even in cases where the victims escape death, some of such victims are hospitalized for months, if not for years. In its wisdom the Parliament rightly thought that prescribing a period of limitation

and restricting the power of Tribunal to entertain any claim petition beyond the period of twelve months from the date of the accident was harsh, inequitable and in many cases was likely to cause injustice to the claimants: Dhannalal v.D.P. Vijayvargiya A.I.R. 1996 S.C. 2155: (1996) 1 Acc.C.C. 603: 1996 Acc. C.J. 1013: (1996) 4 S.C.C. 652(1996) 2 T.A.C. 324.

NOTES

A claim before Claims Tribunal is neither a criminal case nor a civil case. – A claim before the Motor Accidents Claims Tribunal is neither a criminal case nor a civil case. In a criminal case in order to have conviction, the matter is to be proved beyond reasonable doubt and in a civil case the matter is to be decided on the basis of pre-ponderance of evidence, but in a claim before the Motor Accidents Claims Tribunal that standard of proof is much below than what is required in a criminal case as well as in a civil case. No doubt before the Tribunal, there must be some material on the basis of which the Tribunal can arrive or decide things necessary to be decided for awarding compensation. But the Tribunal is not expected to take or adopt the nicety of a civil or of a criminal case. After all, it is a summary enquiry and this is a legislation for the welfare of the society. The Court should not succumb to niceties, technicalities and mystic maybes. The Court is bound to take broad view of the whole matter: Ranu Bala Paul v. Bani Chakraborty 1998 A.I.H.C. 4814: 1999 Acc.C.J. 634(Gau).

Law relating to award of compensation has developed enormously. – The law relating to award of compensation in motor accident cases has developed enormously. It is a good sign. Judicial pronouncements, dealing with the subject, have greatly widened the horizons in this field. New principles have been enunciated to cover various concepts of damages. Enough care has been taken to see that the victim, in case of personal injuries, and the dependents in cases of fatal accidents, do not suffer incalculably due to the accident in question and decisions make an attempt to equate, compensation cannot be considered to be in any way equal to the injuries sustained or the life lost. Pecuniary and non-pecuniary damages have to be carefully determined. Need for future case is more, so that the victim or the dependents do not lead a miserable life: State of Himachal Pradesh v. Shrichand Kishan Hazri (1990) 1 Acc.C.C. 44. 1990 Acc. C.J. 663 (Him. Pra).

Strict proof of F.I.R., etc., not required. – In claim under the Motor Vehicles Act, strict proof of first information report, inquest, panchnama, post-mortem report and death certificate is not required: Anil Tiwari v. Saheb Singh (2000) 1 M.P.L.J. 59 (Madh. Pra.) (D.B.)

Jurisdiction of Tribunal. – The following four types of cases can give rise to claims for compensation: (1) Claims for compensation in cases where it is alleged that motor vehicle driver was solely responsible for causing accidental injuries giving rise to the claims for compensation. (2) Claims for compensation in cases of accidents where it is alleged that accident is caused not on account of rash or negligent driving of driver of the motor vehicle causing the accidental injuries or who might have been solely responsible for the accident even otherwise. (3) Claims for compensation in case where it is alleged that the accident giving rise to the claim is being the result of composite negligence not only of the driver of the motor vehicle but who might be found negligent contributing to the causing of the accident, meaning thereby, claims for compensation against joint tort-feasors, one of which at

least is the driver of a motor vehicle. (4) Cases where it is alleged that accidental injuries have been caused on account of composite negligence of driver of the motor vehicle as well as any other person who might be jointly responsible for causing the accident. But when ultimately, on evidence, it is found by the Tribunal that driver of the motor vehicle was not at all responsible, not even to the slightest extent and that sole responsibility for causing of the accident rested on the shoulders of the driver of the vehicle which is not a motor vehicle or on the shoulders of any other agency.

Only the cases falling under first and third categories can effectively be tried by the Claims Tribunal and proper awards can be passed against the concerned parties while in cases falling under second and fourth categories, claim petitions will have to be rejected either at the threshold or on merits on the ground of absence of jurisdiction either initial jurisdiction to entertain such claim petitions or ultimate jurisdiction to pass awards against such outsiders, as the case may be: Gujarat State Road Transport Corporation v. Union of India A.I.R. 1988 Guj. 13: (1987) 2 Acc.C. 80; 1987 Acc.C.J. 734 (D.B.).

Award of compensation more than that claimed. – Permissibility, - There is no embargo imposed by the Legislature on the Tribunal to grant compensation over and above the amount claimed by the parties in a given case: A.P.R.T.C. v. M. Ramadevi A.I.R. 2008 S.C. 1221.

Tough it is not the requirement of law under the Motor Vehicles Act for the claimants to specify the amount of compensation in their claim petition, the duty enjoined on the Tribunal by the relevant provisions thereof is to assess the just amount of compensation payable to the claimants; and it, therefore, follows that the Tribunal is not powerless in making an award even in excess of the amount of compensation claimed: New India Assurance Company Limited v. Rajendra Singh (2000) 2 Acc.C.C. 392 (Karn.)(D.B.); Oriental Fire & General Ins. Co. Ltd. V. Mast Ram 1989 Acc.C.J. 1120 (Him. Pra.); Surijit Singh v. Waryam Singh 1994 Acc.C.J. 505 (Him. Pra.) (D.B); Narayana v. H.R. Mohankumar A.I.R. 2000 Karn. 349: 2001 Acc.C.J. 439.

While determining compensation, the state of affairs as on the date of accident is relevant and subsequent events can also be considered but fresh claim on basis of subsequent events is not tenable: Ramprasad Balmiki v. Anil Kumar Jain A.I.,R. 2009 S.C. 337.

167. Option regarding claims for compensation in certain cases. – Notwithstanding anything contained in the Workmen’s Compensation Act, 1923 (8 of 1923) where the death of, or bodily injury to, any person gives rise to a claim for compensation under this Act and also under the Workmen’s Compensation Act, 1923, the person entitled to compensation may without prejudice to the provisions of Chapter X claim such compensation under either of those Acts but not under both.

Corresponding Law. – Section 167 corresponds to section 110-AA of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 167 lays down that when claim arises under this Act and under the Workmen’s Compensation Act, the person entitled to claim compensation may claim compensation only under either of these Acts and not under both the Act.

168. Award of the Claims Tribunal. – (1) On receipt of an application for compensation made under section 166, the Claims Tribunal shall, after giving notice of the application to the insurer and after giving the parties (including the insurer) an opportunity of being heard, hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section

162 may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be :

Provided that where such application makes a claim for compensation under section 140 in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter X.

(2) The Claim Tribunal shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

(3) When an award is made under this section, the person who is required to pay any amount in terms of such award shall, within thirty days of the date of announcing the award by the Claims Tribunal, deposit the entire amount awarded in such manner as the Claims Tribunal may direct.

Corresponding Law. – Section 168 corresponds to section 110-B of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 168 provides that the Claims Tribunal shall deliver the copies of the award to the parties within fifteen days of the award and that the person against whom the award is made shall deposit the amount awarded within thirty days of announcement of the award.

169. Procedure and powers of Claims Tribunals. – (1) In holding any inquiry under section 168, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedures as it thinks fit.

(2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

Corresponding Law. – Sub – sections (1), (2) and (3) correspond to sub- section (1), (2) and (3) respectively, of section 110 – C of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 169 lays down the procedure to be followed by the Claims Tribunal in setting claims compensation and the powers of the Claim Tribunals.

170. Impleading insurer in certain cases. – Where in the course of any inquiry, the Claims Tribunal is satisfied that -

(a) there is collusion between the person making the claim and the person against whom the claim is made, or

(b) the persons against whom the claim is made has failed to contest the claim,

it may, for reasons to be recorded in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have, without prejudice to the provisions contained in sub-section (2) of section 149, the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.

Corresponding Law. – Section 170 corresponds to section 110-C(2-A) of the Motor Vehicles Act, 1939.

171. Award of interest where any claim is allowed. – Where any Claims Tribunal allows a claim for compensation made under this Act, such Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

Corresponding Law. – Section 171 corresponds to section 110-CC of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 170 empowers the Claims Tribunal to order that simple interest at such rates as it thinks fit shall also be paid alongwith the award of ompensation.

172. Award of compensatory costs in certain cases. – (1) Any Claims Tribunal adjudicating upon any claim for compensation under this Act, may in any case where it is satisfied for reasons to be recorded by it in writing that -

(a) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(b) any party or insurer has put forward a false or vexatious claim or defense such Tribunal may make an order for the payment, by the party who is guilty of mis-representation or by whom such claim or defense has been put forward of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defense has been put forward.

(2) No Claims Tribunal Shall pass an order for special costs under sub- section (1) for any amount exceeding one thousand rupees.

(3) No person or insurer against whom an order has been made under this section shall, by reason thereof be exempted from any criminal liability in respect of such mis-representation, claim or defense as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any mis-representation, claim or defense, shall be taken into account in any subsequent suit for damages for compensation in respect of such mis-representation, claim or defense.

Corresponding Law. – Section 172 corresponds to section 110-CCC of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 171 seeks to empower the Claims Tribunals to award special compensatory costs where in certain cases it is found that there has been mis-representation of case or vexatious to claims or defense.

173. Appeals. – (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court :

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless he has deposited with it twenty-five thousand rupees of fifty per cent, of the amount so awarded, whichever is less, in the manner directed by the High Court :

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellatant was prevented by sufficient cause from preferring the appeal in time.

(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than ten thousand rupees.

Corresponding Law. - Section 173 corresponds to section 110-D of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 172 makes provision for appeal to High Court by the aggrieved against the orders of Claim Tribunal and where the person aggrieved is the person who has to pay the compensation such person shall deposit 50 percent of the amount awarded as directed by the High Court.

174. Recovery of money from insurer as arrear of land revenue.

- Where any amount is due from any person under an award, the Claim Tribunal may, on an application made to it by the person entitled to the amount, issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.

Corresponding Law. – Section 174 corresponds to section 110-E of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 173 lays down that any money due from any person under an award by the Claim Tribunal may be recovered by the Collector as arrears of land revenue.

175. Bar on jurisdiction of Civil Courts. – Where any Claims Tribunal has been constituted for any area, no Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claim Tribunal for that area, and no injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation shall be granted by the Civil Court.

Corresponding Law. - Section 175 corresponds to section 110-F of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 174 bars the jurisdiction of Civil Courts where any Claims Tribunal has been constituted.

176. Power of State Government to make rules. – A State Government may make rules for the purpose of carrying into effect the provisions of sections 165 to 174, and in particular, such rules may provide for all or any of the following matters, namely:-

- (a) the form of application for claims for compensation and the particulars it may contain, and the fees, if any, to be paid in respect of such applications;
- (b) the procedure to be followed by a Claims Tribunal in holding an inquiry under this Chapter;
- (c) the powers vested in a Civil Court which may be exercised by a Claims Tribunal;
- (d) the form and the manner in which and the fees (if any) on payment of which an appeal may be preferred against an award of a Claims Tribunal; and
- (e) any other matter which is to be, or may be, prescribed.

Corresponding Law. – Section 176 corresponds to section 111-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 176 confers upon the State Government to make rules for carrying into effect provisions of clauses 165 to 173.
