

A

Bill

further to amend the Fatal Accidents Act, 1855

WHEREAS it is expedient further to amend the Fatal Accidents Act, 1855, (XIII of 1855) in its application to the Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short title, extent and commencement. - (1) This Act may be called the Fatal Accidents (Amendment) Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment of section 1, Act XIII of 1855.— In the Fatal Accidents Act, 1855 (XIII of 1855), hereinafter referred to as the said Act, in section 1, for the second paragraph the following shall be substituted, namely:

“Every such action or suit shall be for benefit of the legal heirs of the person whose death may have been so caused, and shall be taken and brought in the name of the legal heirs of the deceased.”

3. Amendment of section 2, Act XIII of 1855.— In section 2, for the word “complaint,” the word “suit” shall be substituted.

4. Insertion of new sections 3A, 3B, 3C and 3D Act XIII of 1855.— In the said Act, after section 3, the following new sections shall be inserted, namely:-

“3A. Interim Order for Compensation.— (1) During pendency of a suit, the plaintiff may file an application for interim compensation. On such application, the Court may—

- (a) if, prima facie, appeared to it that death of a person was caused by wrongful act, negligence or default of accused/defendant; and
- (b) any of the legal heirs of the deceased is facing financial hardships in meeting his basic needs, pass an order for interim compensation per month as it deems appropriate.

(2) The interim compensation granted under sub-section (1) shall be adjusted in the amount of actual compensation granted by the decree of the court.

(3) If the accused/defendant fails to pay interim compensation in compliance with the orders of the court, the court shall strike off the accused/defendant and decree the suit.

(4) No appeal shall lie from the order in respect of payment of interim compensation.

3B. Disposal of cases within specified period.- Where a trial court refuses an application under section 3A, it shall decide the case within six months.

3C. Appeal.- An appeal against the decree passed by the trial court shall lie in the manner provided under section 96 of the Code of Civil Procedure, 1908.

3D. Execution of the Decree.- Upon pronouncement of judgment by the trial court, the suit shall automatically stand converted into execution application and no fresh notice shall be issued to the judgment debtor."

5 Omission of section 4, Act XIII of 1855.- In the said Act, section 4 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

These amendments seek to ensure speedy justice and enable legal heirs of the victims to compensation in case of death in fatal accidents in the Islamabad Capital Territory.

Senator Muhammad Javed Abbasi
Member-in-Charge