

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No.8268 of 2015

Date of decision: 07.12.2015

Smt. Sunita Rani & others

.....Petitioners

Versus

Nitin Kumar & another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bhupender Singh, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 13.03.2014 (Annexure P-1) passed by the Motor Accident Claims Tribunal, Karnal, whereby claim petition filed by claimants-petitioners has been dismissed in default and the order dated 25.08.2015 (Annexure P-3), whereby application filed by the petitioners for restoration of the above petition has been dismissed.

The case of the petitioners is that when the claim petition was dismissed in default on 13.03.2014, they were busy in cutting the crop and were unable to attend the Court proceedings. While dismissing the application, the Tribunal has observed that on each and every date till 21.11.2013, the claimants-petitioners were represented by their counsel. However, on account of non appearance of their counsel on 13.03.2014, the claim petition was dismissed in default. Moreover, the application had been filed after expiry of statutory period of 30 days.

petition, after notice, the respondents had not been served so far.

Even though, the application for restoration of the petition has been filed after a delay of 30 days, keeping in view that the claimants have come from village background, they cannot be deprived of an opportunity to seek their claim.

In view of the above, the impugned orders dated 13.03.2014 and 25.08.2015 (Annexures P-1 and P3) are set aside and the claim petition filed by claimants-petitioners is restored to its original number and stage, subject to costs of Rs.3000/- to be deposited with the District Legal Services Authority, Karnal.

Allowed accordingly.

07.12.2015
ajp

(RITU BAHRI)
JUDGE