

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8604 of 2014

Date of Decision.29.06.2015

Rajesh Kumar Jakhar

.....Petitioner

Versus

Varinder Kumar and others

.....Respondents

Present: Mr. N.K. Manchanda, Advocate
for the petitioner.

Mr. Sahil Khunger, Advocate
for respondent No.1.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The claimant who did not appear in Court when the case was posted suffered a dismissal for default of appearance and on application filed for recall of that order, the Motor Accident Claims Tribunal recalled the same. The contention of the respondent before the Motor Accident Claims Tribunal, who is the revision petitioner before this Court, is that only remedy for the claimant was to prefer an appeal against the order and not by means of an application for recall of the order.

2. I reject the contention as untenable. Non-appearance of party in Court for whatever reason that results in dismissal ought to be taken as dismissal for default and there is nothing wrong in exercising a jurisdiction by the Motor Accident Claims Tribunal to allow for restoration of such case for fresh trial. I will find no error in the order

passed by the Motor Accident Claims Tribunal. I reject an argument that only an appeal could have been filed. There is no error in entertaining the application in the manner in which the Tribunal did and I find no scope for interference.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

June 29, 2015
Pankaj*