

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.90 of 2015.
Decided on:-7.1.2015.

Pardeep.

.....Petitioner.

Versus

Samunder and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. Ram Pal Verma, Advocate
for the petitioner.

Dr. Bharat Bhushan Parsoon, J (Oral)

This revision petition is directed against order dated 4.12.2014 (Annexure P-4) passed by the Motor Accidents Claims Tribunal, Sonapat (hereinafter mentioned as the Tribunal) vide which amendment sought by the claimant, petitioner herein, in the claim petition under the Motor Vehicles Act, 1988 (for short, the Act), was dismissed.

2. No notice to the opposite side is being issued to avoid delay and further because no prejudice would be caused to the other party.

3. The petitioner-claimant wants to amend the petition by changing the registration number of the offending tractor from HR-60B-3182 to HR-60-9252 claiming that it is a typographical mistake.

4. All the aspects and attending circumstances with clarity,

transparency and precision have been considered by the Tribunal at the time of passing of the impugned order. The case is at the final stage.

5. The FIR is against an unknown driver and unknown offending tractor. Taking benefit of this lacuna in the FIR, now the petitioner-claimant has found a convenient offending vehicle bearing registration No. HR-60-9252 and wants to substitute it for the offending tractor bearing registration No.HR-60B-3182 on which pleadings, he has been contesting the petition all along and the case instituted on 18.11.2011 is now at the stage of final conclusion.

6. Clearly, the mistake cannot be typographical because neither there is any figurative nor phonetic similarity in the registration numbers of the offending vehicle. Even in the affidavit appended alongwith the claim petition, registration number of the offending vehicle is mentioned as HR-60B-3182. In short, registration number of the offending vehicle as HR-60B-3182 has been mentioned not at one but at several places which cannot be due to typographical mistake.

7. After considering all the attending facts and circumstances, the Tribunal has gone even to the extent of mentioning as under:

“This application is not only an attempt to play fraud upon the Court, but, also is the misuse of the process of the Court.”

8. The observation made by the Tribunal is not without substance. The impugned order is well-written, detailed and descriptive considering all the facts and circumstances. This revision petition is nothing but a grave misuser of the process of the Court.

9. Keeping in view the totality of facts and circumstances as mentioned earlier, the application (Annexure P-2) for amendment in the

claim petition was rightly dismissed by the Tribunal vide impugned order dated 4.12.2014 (Annexure P-4).

10. Sequelly, no ground to interfere with the impugned order is made out and affirming the same, this petition, being devoid of any merit, is dismissed with costs of Rs.5,000/- to be paid the District State Legal Services Authority, Sonapat as a condition precedent for further proceeding in the case by the Tribunal.

(Dr. Bharat Bhushan Parsoon)
Judge

January 07, 2015

'Yag Dutt'

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