

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

FAO No.10469 of 2014 (O&M)

Date of decision: 08.05.2015.

Jaspal Kaur

....Appellant

Versus

Billu @ Kalan and others

....Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present:- Mr. Ashok K. Sharma Bhana, Advocate
for the applicant-appellant.

K.C. PURI J. (Oral)

CM-28831-CII-2014

For the reasons mentioned in the application, the same is allowed and the delay of 02 days in filing the appeal is condoned.

MAIN CASE

Nobody was present on behalf of the parties and in spite of that case has been dismissed on merits. The impugned order is wrong on the face of it and as such, notice is not required to be issued to the respondent. The only course available with the Tribunal in the absence of parties was to dismissed the petition for want of prosecution and not on merits.

The Motor Vehicles Act is a welfare legislation and

Parliament in its wisdom has enacted the Motor Vehicles Act, to provide speedy relief to the road victim. The Tribunal has committed illegality by passing the impugned order by dismissing the petition on merits. Consequently, the impugned order stands set-aside without issuing notice to respondents and the Tribunal is directed to decide the case afresh after allowing both the parties to lead evidence. The appellant is directed to appear before the Tribunal on 30.05.2015.

08.05.2015

yakub

(K.C. PURI)
JUDGE