

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

FAO-998-2013 (O&M)
Date of Decision: August 14, 2015

Ramratti and another Appellants

Versus

Rajpal and another Respondents

2. FAO-999-2013 (O&M)
Date of Decision: August 14, 2015

Kamlesh Devi and another Appellants

Versus

Rajpal and another Respondents

3. FAO-1000-2013 (O&M)
Date of Decision: August 14, 2015

Santosh Devi and another Appellants

Versus

Rajpal and another Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Gopal Sharma, Advocate
for the appellants.

None for the respondents despite service.

RITU BAHRI, J. (Oral)

CM No.6223-CII of 2013

This is an application under Section 5 of the Limitation Act for
condoning delay of 31 days in filing the appeal.

Delay of 31 days in filing the appeal is condoned.

CM stands disposed of.

Main Case

The applicants have come up against the judgment and order of the Tribunal dated 02.04.2012 whereby the claim petitions were dismissed made by the claim petitioners.

The accident took place on 10.07.2010 and Sandeep Kumar had died. Claimants in the present petition are the parents aged 45 and 48 years old. The claim petitions were dismissed. When the petitions were fixed on 30.03.2012, last and final opportunity was given to the petitioners for their evidence but none has appeared. The petitioners took 6 effective opportunities to lead their evidence, however, no evidence was led by them. The only evidence available with the Tribunal was the deposition of the Ahlmad of the Court who brought the criminal case file titled "*State Vs. Raj Pal*" pertaining to FIR No.112 dated 10.07.2010 registered for the offence punishable under Sections 279/337/304-A IPC, P.S. Kosli and the challan has been framed today.

Learned counsel for the petitioner states that evidence was closed and claim petitions were dismissed on the same day. In view of the fact that the incident is no longer in dispute. Claimants are claiming for the loss of their son. The order of the Tribunal is set aside and the matter is remanded back to the Tribunal by giving an opportunity to the petitioners to lead their evidence, thereafter, decide the case on merits subject to payment of Rs.2,000/- in each case to be deposited to the Legal Services Authorities.

August 14, 2015
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(RITU BAHRI)
JUDGE