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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 27th January, 2015

+ **C.R.P. 47/2014**

IQBAL SINGH

..... Petitioner

Through: Nemo.

versus

SUBHASH CHAND

..... Respondent

Through: Mr. Rakesh Bhugra, Adv. with
Mr. Rakesh Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. None appears on behalf of the Petitioner.
2. The Petitioner has challenged the order dated 06.01.2014 passed by the Motor Accident Claims Tribunal (the Claims Tribunal) whereby while allowing the application under Order IX Rule 13 of the Code of Civil Procedure, 1908, the Petitioner (Iqbal Singh) was directed to deposit 50% of the award amount within 45 days.
3. The plea set up by the Petitioner is that the Petitioner had

mentioned his correct address to the police which was also mentioned in the report under Section 173 of the Code of Criminal Procedure, 1973 wherein he was prosecuted under Section 279/337 IPC. Although, this plea was accepted but the Claims Tribunal proceeded to pass an order of deposit of 50% of the principal amount as a condition precedent for setting aside the order passing the *ex-parte* award.

4. Once the Claims Tribunal was satisfied that the petitioner was not served, this condition ought not to have been put by the Claims Tribunal. The impugned order dated 06.01.2014 with regard to deposit of 50% of the award amount is hence, set aside. The Claims Tribunal shall proceed to decide the Claim Petition expeditiously and in any case endeavour to decide the same within a period of three months from the date of appearance of the parties before the Claims Tribunal.
5. Petition is disposed of in above terms.
6. Pending applications also stand disposed of.

7. Both the parties are directed to appear before the Claims Tribunal on 18.02.02015.
8. Copy of the order be given *Dasti* to the counsel for the parties.

(G.P. MITTAL)
JUDGE

JANUARY 27, 2015
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