

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

**CR No.1280 of 2016
Decided on: 19.02.2016**

Bijender @ Dhira

....Petitioner

Versus

Pardeep and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present: Mr. Vikas Lochab, Advocate
for the petitioner.

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?*

REKHA MITTAL J. (Oral)

The present petition has been directed against the order dated 23.12.2015 (Annexure P-7) passed by the Motor Accident Claims Tribunal, Sonapat (in short 'the Tribunal'), dismissing application of the petitioner for permission to file amended written statement.

Counsel for the petitioner contends that an application for grant of compensation, filed by Ashok Rana, against the petitioner and Pardeep son of Satyanand is pending before the Tribunal at Sonapat. Pardeep, the registered owner of the vehicle in

question got signatures of the petitioner on blank papers with an assurance that he would contest the proceedings on his behalf as well. Pardeep got filed a written statement on behalf of the petitioner wherein he has wrongly got mentioned that the vehicle in question has been transferred by respondent No.2 (Pardeep) in favour of respondent No.1 (petitioner). It is further argued that the entire proceedings from the time of filing of the written statement till date have been conducted at the back of the petitioner and he would suffer serious prejudice in case he is not permitted to file an amended written statement by withdrawing the allegations *qua* sale of the vehicle in question in his favour by Pardeep.

I have heard counsel for the petitioner and perused the records.

The petitioner has been arrayed as respondent No.1 on the plea that he was driver of tractor Mahendra 265 DI No.HR-10-C-5257 on the fateful day and Pardeep son of Satyanand (respondent No.2) is stated to be registered owner of the said tractor. Pardeep, in the written statement filed on his behalf, has not denied himself to be a registered owner of the vehicle in question though has raised a plea that he has sold the vehicle to respondent No.1.

The Tribunal has noticed that *Vakalatnama* filed by a counsel representing both the respondents has been signed by the petitioner as well. Once the petitioner has signed the *Vakalatnama*

in favour of a counsel and counsel has filed the written statement on his behalf, the Tribunal has rightly refused to accept his plea to permit him to file a written statement afresh more particularly in the circumstances that the petitioner has been sued as a driver of the vehicle and respondent No.2 has not denied himself to be a registered owner of the vehicle. Even otherwise, it is difficult to accept the plea that the petitioner appended his signatures on blank papers at the behest of respondent No.2. Conversely, if he has signed the blank papers, he voluntarily incurred the risk of authorising Pardeep Kumar to defend the case on his behalf also. Analyzed from any angle, I do not find any error much less illegality in the impugned order as would call for intervention.

Dismissed.

(REKHA MITTAL)
JUDGE

19.02.2016

yakub