

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

**CR No.1349 of 2016
Date of decision:23.02.2016**

Ajay ... Petitioner
Vs.

Shivam, Pandit and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- None.

AMIT RAWAL J. (Oral)

Prayer in the petition is for restoration of the application which has been dismissed in default, as well as, for non-deposition of costs.

It has been submitted in the petition that there was no fault of the claimant/petitioner, rather it was fault of his counsel, who, had wrongly noted the date and even did not deposit the costs imposed for restoration of petition, much less, had not appeared. The claim petition is on account of the injury suffered in the accident at the age of 26 years and prays for setting aside of the impugned order.

I have gone through the paper book and seen the orders under challenge. As per the order dated 01.09.2015 (Annexure P-2),

nobody had appeared on behalf of the claimant, nor the costs have been deposited. Thereafter, the application for recalling of the aforementioned order was filed as the claim petition has been dismissed in default on 01.09.2015. When the case was listed for claimant's evidence, the said application was also dismissed vide order dated 25.01.2016, on account of non-deposit of the costs and non-production of evidence.

In view of the aforementioned observations, since it is a case filed under Section 166 of the Motor Vehicles Act, therefore, I am of the view that impugned orders should not come in the way of the claimant/petitioner to pursue the claim petition vis-a-vis compensation.

Accordingly, the impugned orders are set aside and claim petition is restored. The petitioner/claimant shall conclude the evidence, in accordance with law and deposit the costs already imposed, failing which, the impugned orders shall come into operation.

The revision petition is disposed of.

(AMIT RAWAL)
JUDGE

February 23, 2016
savita