

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

-.-

CR No. 4212 of 2016

Date of decision: 08.07.2016

Astha Singh

..... Petitioner

Versus

Sumer Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Himanshu Puri, Advocate
for the petitioner

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter 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 02.12.2015 (Annexure P1) whereby defence of the petitioner/respondent No. 2 has been struck off by the Motor Accident Claims Tribunal, Bhiwani for want of filing of written statement.

Counsel for the petitioner contends that a serious prejudice is likely to be caused to the petitioner in case he is not permitted to file the written statement. It is further argued that as the Tribunal has further adjourned the case to 04.01.2016 for service of respondent No. 3 i.e. Insurance Company, no delay was likely to occur if the petitioner would have been permitted another opportunity to file the written statement on the adjourned date. It is prayed that the petitioner would file the written

statement positively in case she is so allowed and the next date fixed in this case is 03.08.2016.

I have heard counsel for the petitioner, perused the paper book and find that the petition is meritorious and deserves to be accepted.

Perusal of the impugned order would indicate that the Tribunal has shut the right of the petitioner to file the written statement on the solitary ground that the petitioner had availed three opportunities for filing the written statement. There is no mention that failure of the petitioner to file the written statement is intentional much less mala fide. The contention raised by counsel for the petitioner that had the petitioner been allowed another opportunity to file the written statement, it would not have caused any further delay in progress of the trial as the case was adjourned for service of respondent No. 3 is clearly borne out from the impugned order.

In the given facts and circumstances, the petition stands disposed of with liberty to the petitioner to file the written statement on the next date fixed *i.e.* 03.08.2016 but subject to deposit of Rs.5,000.00 as costs before the date fixed which shall be payable to the claimants as per rules.

(Rekha Mittal)
Judge

08.07.2016
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