

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

1. CR No.7177 of 2015 (O&M)
Date of decision : 24.02.2016

Lakhwinder Singh @ Lakha and another

...Petitioners

Versus

Harpreet Kaur

...Respondent

2. CR No.7185 of 2015 (O&M)
Date of decision : 24.02.2016

Lakhwinder Singh @ Lakha and another

...Petitioners

Versus

Ranjit Kaur

...Respondent

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: Mrs. Himani Kapila, Advocate for the petitioners

Mr. Neeraj Khanna, Advocate for the respondent
(In CR No.7177 of 2015)

Mr. Ravish Bansal, Advocate for the respondent
(In CR No.7185 of 2015)

AMIT RAWAL, J. (Oral)

This order of mine shall dispose two revision petitions arising out of the dismissal of the application filed under Order 9 Rule 13 seeking setting aside of the ex parte award bearing MACT No.90 of 08.10.2012, decided on 31.08.2013 titled as Harpreet Kaur Vs. Lakhwinder Singh @ Lakha and another and MACT case No.92 of 08.10.2012 decided on 31.08.2013 titled as Ranjit Kaur Vs. Lakhwinder Singh @ Lakha and another.

Mrs. Himani Kapila, learned counsel appearing on behalf of petitioners submits that the driver and the owner were never served of the petition filed under Section 166 of the Motor Vehicles Act and owing to non-disclosure of the particulars of the insurance in respect of vehicle involved in the accident, the liability to pay the compensation has been fastened upon them. An attachment order has been passed in the execution of the execution proceedings. Application under Order 9 Rule 13 was filed with promptitude. She submits that ex parte judgment and decree be set aside subject to the terms and conditions which this Court deem appropriate and necessary.

Mr. Neeraj Khanna, and Mr. Ravish Bansal, learned counsel appearing on behalf of claimants submits that application was belated by law of limitation for the reasons that it was filed on 15.07.2014. No explanation has been come forth in not approaching the Court by exercising the due diligence and thus prays that order declining the application is perfect, legal and justified, much less, there is no perversity.

I have heard learned counsel for the parties and appraised the paper book and also seen the record of the case and of the view that alleged report of refusal is not attested by any independent witnesses. The Court should have recorded the satisfaction before initiating the ex parte proceedings against the petitioners, therefore, petitioners have been prevented to put their cause/defence, much less, claim indemnification in case vehicle was insured.

Keeping in view the aforementioned facts, impugned order declining the application as well as ex parte award are hereby set aside. Petitioners are granted 20 days time to file written statement and thereafter Motor Accident Claims Tribunal shall make endeavor to complete the trial by affording three effective opportunities to the parties to conclude their evidence and shall decide the appeal within six months thereafter, however, subject to cost of ₹5500/- in each case.

Revision petitions are disposed of.

24.02.2016

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**(AMIT RAWAL)
JUDGE**