

220.

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

Civil Revision No.877 of 2013 (O&M)

Date of decision: 23.02.2016

Prem Singh

... Petitioner

versus

Smt. Savitri and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Manoj Makkar, Advocate,
for the petitioner.

None for the respondents.

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 ?

K.Kannan, J. (Oral)

1. The revision petitioner is the second respondent before the Motor Accident Claims Tribunal when an ex parte award was passed on 17.11.2007. An execution petition had been filed in the year 2007 and on service of notice on the second respondent before the Tribunal filed an application to set aside the ex parte award through an application filed on 09.04.2009. His contention was that he had not been served. He wanted to contend also that he had actually sold the vehicle on 20.03.2006 itself. The accident had taken place subsequent to sale and, therefore, he was not liable.

2. It is a case where the vehicle had not been insured and the liability must be either on the registered owner or the person who was actually the owner although not registered as such and who was in the control of the vehicle.

3. The respondents have been served and represented through counsel. Previously, 5th respondent was reported to have died and two of the legal representatives have been served. I treat the service on the legal representatives as sufficient. There is a case for consideration on merits.

4. The impugned order already passed is set aside and the petitioner shall have a right to file defence within a period of 30 days from the date of receipt of copy of this order or such date as the Tribunal itself provides for. The Tribunal will take up the case after service of notice on all the parties since the claimants/respondents 1 to 4 are not before me to be apprised about this order.

5. The revision petition is allowed and the matter is remitted to the trial court for consideration on merits.

6. Parties shall appear before the MACT, Rohtak on 28.03.2016.

(K.KANNAN)
JUDGE

23.02.2016
sanjeev