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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 943/2016 & C.M.No.34525/2016

SUSHIL KUMAR TIWARI Petitioner

Through: Mr. Gunjan Kumar, Advocate

Versus

KULDEEP SINGH PARMAR & ORS Respondents

Through: Mr. Sameer Sharma, Advocate for
respondents No.1 to 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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08.12.2016

Impugned order rejects petitioner's application for recalling the order vide which his right to file written statement was closed and rightly so, as power of review does not vest with the learned Motor Accident Claims Tribunal.

Learned counsel for petitioner submits that petitioner is owner and driver of the vehicle in question and he has a substantial defence to offer but he could not file the written statement in time because obtaining of certified copies of criminal proceedings from Greater Noida Court is essential to spell out the defence, which petitioner intends to take in the written statement. It is submitted that the delay is neither deliberate nor intentional and it deserves to be condoned. It is further submitted that only one effective opportunity be given to petitioner to file written

statement.

Learned counsel for respondents supports the impugned order and submits that petitioner has been negligent in filing the written statement and is delaying the proceedings.

Upon hearing and on perusal of the impugned order as well as the material on record, I find that for the delay occasioned, petitioner ought to be put to terms, as it appears that petitioner has substantial defence to offer. This petition is accordingly allowed subject to cost of ₹10,000/- to be paid by petitioner to respondents-claimants before the learned Motor Accident Claims Tribunal on the next date of hearing. Subject to payment of cost, one effective opportunity be given to petitioner to file written statement, failing which impugned order shall operate.

Records be remitted back forthwith.

With aforesaid directions this petition and application are disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 08, 2016

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