

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1099 of 2017(O&M)
Date of Decision: 18.08.2017

Mahender Yadav
Vs

.....Petitioner

Joginder and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ankur Jain, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. While issuing notice of motion on 15.02.2017, following order was passed:-

“Learned counsel for the petitioner submits that an application moved by the petitioner has been dismissed only on the ground of stage of the suit and that nature of suit is going to be changed, whereas, the stage is not relevant and nature of suit is not going to be changed. It was a typographical mistake as only HR-35 was mentioned in stead of HR-38 and other numbers are same.

Notice of motion to the respondents for 20.04.2017 through the counsel appearing before the trial Court.

Dasti only.

Meanwhile, passing of final order shall remain stayed.”

[2]. As per office report dated 18.04.2017, service was duly effected upon the respondents through their counsel appearing

in the trial Court. None has put in appearance on record till date. Today also none has appeared on behalf of the respondents despite two pass overs.

[3]. In view of above, I proceeded to decide this case on merits.

[4]. Petitioner has challenged the order dated 12.05.2016 passed by Motor Accident Claims Tribunal, Gurgaon, wherein two applications i.e. application under Order 6 Rule 17 CPC and application under Order 1 Rule 10 CPC filed by the petitioner were dismissed.

[5]. Learned counsel for the petitioner submitted that after the accident, FIR was registered. Serial number of the FIR is 57925 and FIR number is 150 dated 05.05.2006. While drafting the case, instead of FIR No.150, serial No.57925 was inadvertently mentioned. In the column of brief facts i.e. para No.7 of the FIR, the registration number of the vehicle was not legible. Petitioner could gather the number as HR 35 M instead of HR 38 M.

[6]. In the aforesaid context, applications for amendment and impleadment of the registered owner of the offending vehicle as necessary party were moved. The aforesaid omission came to the knowledge of the petitioner only when he examined

PW 4 in his evidence. Thereafter, aforesaid omission came to fore.

[7]. The applications have been dismissed solely on the technical grounds, which in considered opinion of this Court cannot come in the way of imparting true justice. The omission on account of clerical error can always be rectified. Motor Accident Claims cases being a welfare legislation cannot be allowed to be interpreted in the manner as suggested by the Tribunal. Consequently, this revision petition is allowed. Tribunal shall take all corrective measure in pursuance of this order.

August 18, 2017.

(RAJ MOHAN SINGH)
JUDGE

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No