

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision-1559-2017

Date of Decision:21.03.2017

General Manager, Punjab Roadways

.....Petitioner

Versus

Balwinder Kaur and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Baljinder Singh Sra, Addl. A.G., Punjab,
for the petitioner.

Mr.Sarbjit Singh, Advocate,
for the caveator-respondent No.1.

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, at the hands of Punjab Roadways, is directed against the order dated 07.10.2016 passed by the learned Additional District Judge (MACT), whereby application of the petitioner for setting aside the ex parte award dated 18.04.2016 was dismissed.

Heard learned counsel for the petitioner.

It is a matter of record and not in dispute that petitioner was duly served but nobody bothered to take any interest on behalf of the petitioner. When none appeared on behalf of the petitioner before the learned MACT despite service, it was proceeded against ex parte vide order dated 10.03.2015 passed by the learned MACT. No application was ever filed on behalf of the petitioner seeking setting aside the order dated 10.03.2015, whereby the petitioner was proceeded against ex parte. As a

natural consequence, the learned MACT passed the ex parte award dated 18.04.2016.

After passing the ex parte award, when execution thereof was sought by the claimants, petitioner woken up from its slumber and moved the application Ex.P3 for setting aside ex parte award dated 18.04.2016. Although, it is specifically recorded in para 5 of the application, Annexure P3 that the petitioner was proceeded against ex parte by the learned MACT by passing its order dated 10.03.2015, yet no prayer was made even in this application for setting aside that order. Further, learned counsel for the petitioner could not point out any prejudice which might have been caused to the petitioner while passing the impugned order. Having said that, this Court feels no hesitation to conclude that the learned MACT was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned MACT, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found supported by sound reasons. In this view of the matter, it can be safely concluded that the learned MACT committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of

merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

March 21, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No