

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CR-660 of 2017

Date of Decision:08.03.2017

Sourabh Bhola

.....Petitioner

Versus

Rahul and others

.....Respondents

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

Present: Mr.L.S.Lakhanpal, Advocate,
for the petitioner.

Mr.Vipul Sharma, Advocate,
for Mr.Paul S.Saini, Advocate,
for respondent No.3.

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, at the hands of the claimant, is directed against the order dated 27.04.2016 (Annexure P-5) passed by the Motor Accident Claims Tribunal, Ambala, (for short "the MACT"), whereby his claim petition was dismissed for non-prosecution qua respondent No.1-driver.

Notice of motion was issued.

Heard learned counsel for the petitioner and respondent No.3.

After hearing the learned counsel for the parties and going through the record of the case, the present revision petition is disposed of with a direction to the learned MACT, Ambala, to grant another opportunity to the claimant-petitioner to serve respondent No.1 by taking appropriate steps. If respondent No.1 is not being served through ordinary process, let

he be served by way of substituted service. Since, respondent No.2 was

stated to be the employer of respondent No.1, presence of respondent No.1 may also be secured through respondent No.2. Let, the learned MACT, Ambala, pass appropriate order in that regard. Respondent No.3 is also directed to file its written statement without any further loss of time, if not already filed.

It is so said because learned MACT passed the impugned order in haste. True facts could not be appreciated in correct perspective. Learned MACT ought to have adopted a pragmatic and not a pedantic approach before passing the impugned order, thus, it cannot be upheld. Accordingly, impugned order is hereby set aside.

The learned MACT, Ambala, shall proceed further to decide the claim petition at an early date, by passing an appropriate order, in accordance with law.

Resultantly, with the above-said observations made and directions issued, the present revision petition stands disposed of.

March 08, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No