

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CR-7372-2016(O&M)

Date of decision : 20.09.2018

Pancham Singh and others

... Petitioners

Versus

Sandeep Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms.Prabhjot Kaur, Advocate
for the applicants-petitioners.

Mr. Rakesh Kumar, Advocate
for respondents no.1 & 2.

Mr. Puneet Jain, Advocate
for respondent no.3.

AMOL RATTAN SINGH, J.(ORAL)

CM-18417-CII-2018

The application is allowed, it not being opposed by learned counsel for the respondents, with the *zimni* orders passed by the Tribunal taken on record as Annexures P-3 to P-11 with the accompanying petition.

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Though learned counsel for respondents no.1 & 2 has submitted that the petitioners also filed another claim petition before the MACT Chandigarh, which was eventually dismissed in default, with a petition at Mohali also having been filed by the claimants (petitioners herein), I am not going into that issue at all because if any such objection is to be raised by the respondents it would be raised before the MACT, Mohali itself, this petition being only directed against the order of the Tribunal dated

05.10.2016, vide which the evidence of the petitioners-claimants has been closed.

Learned counsel for the petitioners submits that as a matter of fact they had already examined two witnesses, with only one witness remaining to be examined and they may be given one chance to conclude their evidence, the said witness stated to be an eye witness to the accident in question (as contended).

Considering the fact that the petition before the Tribunal is that of persons who have lost an immediate family member, with only one witness remaining to be examined, and the proceedings before the Tribunal not having gone forward thereafter, this petition is allowed and the impugned order dated 05.10.2016 is set aside, with one effective opportunity given to the petitioners to examine the remaining witness. However, it is made clear that if eventually any compensation is awarded to the petitioners, the period of approximately 2 years between 05.10.2016 till today, i.e. the period of the pendency of this petition, shall be subtracted for the purpose of any interest to be paid upon the said compensation, for the reason that this petition arises out of the petitioner-claimants' own fault, of not concluding their evidence within a reasonable time.

(AMOL RATTAN SINGH)
JUDGE

September 20, 2018.

D.K./dinesh

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No