

**CM No. 24818-CII-2018 in/and & CM No. 25958-CII-2018 in/and -1-
CR No. 8290 of 2015 CR No. 8291 of 2015**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM No. 24818-CII-2018 in/and
CR No. 8290 of 2015
Date of Decision: 03.12.2018**

Davinder Singh

.....Petitioner

VS.

Sh. Gursewak Singh and others

....Respondents

**CM No. 25958-CII-2018 in/and
CR No. 8291 of 2015**

Sh. Davinder Singh

.....Petitioner

Vs.

Jal Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashish Gupta, Advocate,
for the applicant/respondent no. 1
(in CM No. 24818-CII-2018 in CR No. 8290 of 2015),
for respondents no. 1 to 3 (in CR No. 8290 of 2015),
for the applicant/respondent no. 2
(in CM No. 25958-CII-2018 (in CR No. 8291 of 2015) and
for respondents no. 1 and 2 (in CR No. 8291 of 2015).

Mr. C.S. Pasricha, Advocate,
for the non-applicant/petitioner (in both cases).

Mr. Amit Kundra, Advocate,
for respondent no. 5 (in CR No. 8290 of 2015) and
for respondent no. 4 (in CR No. 8291 of 2015).

* * * * *

CM No. 24818-CII-2018 in/and & CM No. 25958-CII-2018 in/and -2-
CR No. 8290 of 2015 CR No. 8291 of 2015

AMOL RATTAN SINGH, J. (ORAL)

CM Nos. 24818-CII-2018 in CR No. 8290 of 2015 and
CM No. 25958-CII-2018 in CR No. 8291 of 2015

By these applications, the applicant/respondent no. 1 (in CM No. 24818-CII-2018 in CR No. 8290 of 2015) and the applicant/respondent no. 2 (in CM No. 25958-CII-2018 in CR No. 8291 of 2015), seek advancement of the date of hearing in the accompanying petitions, with learned counsel appearing for the non-applicant/petitioner not objecting to the same.

Learned counsel for the applicants-claimants/respondents submits that in fact the claimants-respondents have no objection even to the revision petitions being allowed.

Consequently, the applications are allowed and with the consent of learned counsel for the parties, the accompanying petitions are taken up for hearing today itself, for final disposal.

CR Nos. 8290 and 8291 of 2015

By these petitions, the petitioner (respondent no. 2 in the claim petition) has challenged the order of the learned Motor Accidents Claims Tribunal, Patiala, dated 17.08.2015 (Annexure P-1), whereby his application under Order IX Rule 13 CPC, has been dismissed, with the *ex parte* Award passed earlier, therefore maintained.

Since learned counsel for respondents no. 1 to 3 (in CR No. 8290 of 2015) and respondents no. 1 and 2 (in CR No. 8291 of 2015) has stated that the revision petitions may in fact be allowed, with the Award of the Tribunal passed *ex parte* qua the petitioner set aside, the petitions are allowed in terms of the aforesaid statement.

CM No. 24818-CII-2018 in/and CR No. 8290 of 2015 & CM No. 25958-CII-2018 in/and -3- CR No. 8291 of 2015

The learned Tribunal is now directed to proceed with the matter upon the *ex parte* Award having been set side.

It is to be noticed that learned counsel for the parties are *ad idem* that though respondent no. 1 in CR No. 8291 of 2015 has died, however, respondent no. 2, Rani Kaur, being her daughter and LR, these petitions need not be detained on that count.

December 03, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.