

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

**FAO No.7677 of 2014 (O&M)
Date of decision: 30.04.2018**

Bhupender

....Appellant

Versus

Irfan and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Panwar, Advocate,
for applicant-appellant.

Mohd. Arshad, Advocate,
for respondent No. 2.

Mr. Satpal Dhamija, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

CM No.20528-CII of 2014

In view of the averments mentioned in the application, same is allowed and delay of 134 days in filing of the appeal is condoned.

FAO No.7677 of 2014

This appeal has been filed against the order/award dated 19.11.2013 passed by Motor Accident Claims Tribunal, Palwal (hereinafter referred to as 'the Tribunal'), whereby claim petition filed by claimant-appellant seeking compensation on account of injuries received by him in a motor vehicular accident, which took place on 11.11.2011, has been dismissed.

A perusal of the order dated 19.11.2013 shows that no witness of claimant (appellant) was present before the Tribunal on that date. On the

previous date, the Tribunal had directed learned counsel for the claimant to conclude the evidence, subject to cost of Rs.500/- to be deposited before the District Legal Service authority. However, the claimant had failed to deposit the said cost. In this case, issues were framed on 17.01.2014. Due to the aforesaid reasons, the Tribunal has dismissed the claim petition.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to claimant-appellant, this Court deems it appropriate to provide some time to the appellant (claimant) to conclude his evidence. Moreover, it would be better to decide the claim petition on merits.

In view of the above, impugned order dated 19.11.2013 is set aside and the matter is remanded back to the tribunal with a direction to provide two effective opportunity to claimant-appellant to conclude his evidence, subject to costs of ₹2,000/- to be deposited with the District Legal Service Authority, Palwal. Parties through their counsel are directed to appear before the Tribunal. After conclusion of evidence of all the parties, the Tribunal will decide the claim petition on merits, in accordance with law.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

30.04.2018
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No