

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

CR no.698 of 2019

Date of Decision: 31.01.2019

Dhan Singh

...Petitioner

Vs.

Subhash Chander and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Kulwant Singh Dhanora, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

By this petition the order of the learned Motor Accident Claims Tribunal, Karnal, is challenged, by which order the application filed by the petitioner seeking restoration of MACT Case No.225/05, has been dismissed.

A perusal of the impugned order shows that the claim petition itself was instituted on 04.05.2005 in respect of an accident that took place on the intervening night of 23/24.04.1991. Thereafter, the claim petition was dismissed-in-default on August 11, 2006.

A certified copy of that order was applied for on April 05, 2016, i.e. almost 10 years later. The reasoning given for such a long delay in even not filing an application for restoration of the petition (other than the fact the petition itself was filed 15 years after the accident took place), was that the counsel for the petitioner before the Tribunal did not inform him of the fact that the petition had been dismissed-in-default.

Learned counsel for the petitioner reiterates that since the counsel for the petitioner before the Tribunal did not inform him of the dismissal, and the petitioner being 62 years old, he should not be made to suffer for that lapse.

Having considered that argument, even if it is accepted at face value that the counsel did not inform the petitioner of the factum of the dismissal in the year 2006, very obviously the petitioner also did not bother to check out the fate of the claim petition for almost 10 years, hence, with the petition also having been filed 15 years after the accident took place, I see no reason to interfere with the impugned order.

Consequently, this petition is dismissed *in limine*.

31.01.2019
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes