

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.321-2001(O&M)
Date of decision: 29.04.2019

Mohinder Kaur and others

.....Appellants

versus

Kartar Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.J.S.Cooner, Advocate for the appellant
Mr.Vikas Chathrath, Advocate for the respondents

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present appeal is judgment dated 11.9.2000 passed by Motor Accident Claims Tribunal, Ambala for short, 'the Tribunal'), vide which, claim petition filed by the claimants-appellants was dismissed.

It is claimed that Baljit Singh was going on a cycle on 21.3.1997 at about 1.00 p.m. and was hit by truck bearing Registration Number HYE-4195, as a result of which, he died. Respondent no.2 owner of the truck had contested the proceedings. After framing of the issues, several opportunities were given but the claimant failed to lead any evidence. Consequently, for want of any evidence, all the issues were decided against claimants and claim petition was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

It comes out from the award that the claim petition remained pending before the Tribunal for three years and three months.

Learned counsel for the appellants states that he has filed an application under Order 41 Rule 27 CPC for permission to lead additional evidence, to record statements of the claimants, produce copy of FIR, postmortem report and other documents. CM was registered as CM No.2152-CII-2001. Unluckily, record of this case was destroyed. The said CM is stated to have not been decided so far.

Copy of the CM is taken on record. In the CM, it is stated that claimants visited the counsel several times but the counsel did not tell them about the actual proceedings. Therefore, said documents could not be produced.

I am of the view that there has to be some end to the litigation. Claimants were granted little more than three years but the claimants did not lead any evidence. Therefore, there was no option with the Tribunal but to close the evidence by order and dismiss the claim petition. There is no illegality or infirmity in the impugned order.

Resultantly, the present appeal stands dismissed. All pending applications, if any, also stand dismissed.

29.04.2019

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No