

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

**Civil Revision No.317 of 2018 (O&M)
Date of Decision: 25.02.2020**

Vicky through his LRs

.....Petitioners

Versus

Sudhir and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amardeep Hooda, Advocate for the applicants/petitioners.

Mr. Vishal Mittal, Advocate for respondent Nos.1 and 2.

Mr. Neeraj, Advocate for
Mr. Deepak, Advocate for respondent No.3.

MAHABIR SINGH SINDHU, J. (ORAL)

CM No.970-CII of 2018

Present application has been filed under Order 22 Rule 4 read with Section 151 of the Code of Civil Procedure for impleadment of the legal representatives of deceased-Vicky.

Notice of the application to the non-applicants/respondents.

Learned Counsel for the non-applicants, who are present in the Court, accept notice and have no objection if the present application is allowed.

In view of above and for the reasons mentioned in the application, supported by way of affidavit of one of the LRs, the same is allowed and the LRs of the petitioner, as depicted in para 3 of the application, are ordered to be impleaded. Amended memo of parties is taken on record.

Registry to do the needful.

MAIN CASE

Present petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 18.05.2017, passed by learned Motor Accident Claims Tribunal, Rohtak (*for short 'Tribunal'*), whereby the petition bearing MACT No.30 dated 12.09.2014/10.03.2017 was dismissed for non-prosecution. Further challenge is to the order dated 13.09.2017, declining the application for restoration of the aforesaid petition.

It is very unfortunate that on two occasions, leaned Counsel for the petitioner was remiss in not pursuing the claim petition, but taking into consideration the ground realities that all the petitioners are poor persons in a MACT case and have lost the sole bread earner. Hence, this Court deems it appropriate to set aside the aforesaid impugned orders and to restore the petition bearing MACT No.30 dated 12.09.2014/10.03.2017 to its original number.

Ordered accordingly.

The parties will appear before the Tribunal on 18.03.2020.

Learned District Judge, Rohtak is requested to depute an Advocate with reasonable experience from the panel of District Legal Services Authority, Rohtak to pursue the claim petition on behalf of the petitioners and the same be decided by learned Tribunal expeditiously if there is no legal impediment.

February 25, 2020

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>