

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

CR No. 371 of 2020

Date of Decision: 28.1.2020

Sajid and other

...Petitioners

Vs.

Kasid and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Arjun Atri, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

This petition is allowed in terms of the order in CR No. 279 of 2020, Rajidan and others Vs. Kasid and another, decided on 15.1.2020. The point is identical. In order to complete the sense of the order, it would be better to reproduce the order dated 15.1.2020, which is as follows:

1. *Heard learned counsel for the petitioners and perused the order dated 18.07.2019 passed by learned Motor Accident Claims Tribunal, Nuh, to the following effect:*

“The petitioners are not taking interest in pursuing the present petition. Ample opportunities have already been granted vide orders dated 28.08.2018, 11.12.2017, 29.01.2018, 21.03.2018, 17.05.2018, 21.08.2018, 04.10.2018, 16.01.2019, 25.03.2019 and 16.05.2019 but the petitioners failed to take steps to serve the respondents. This petition is old one and in list of action plan cases. No reason has been stated for not taking steps accordingly no purpose would be served to keep the petition pending therefore same is dismissed for want of prosecution. File be consigned to record room after due compliance.”

2. *The impugned order is not open to criticism*

and contains no error. The petition was dismissed for want of prosecution. However, looking to the fact that the claimants may not have had access to justice in the hands of the counsel who may not have taken proper care of the case with due diligence, therefore, one opportunity deserves to be granted to the petitioners to serve the respondents and bring them to Court. This order has been made to do substantial justice that may bring recompense to the family of the deceased.

3. Accordingly, this petition is allowed and the impugned order is modified holding, that it should not be treated as dismissal for want of prosecution only to make room for a last attempt to serve the ends of justice. The District Legal Services Authority, District Mewat (Nuh) to look into the matter and help the petitioners to be assisted by a diligent counsel on the panel of the authority.

4. With these observations and directions, present revision petition is disposed of.

The present petition is allowed in the same terms.

(RAJIV NARAIN RAINA)
JUDGE

28.1.2020
kv

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>