

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

219

CR-913-2021 (O&M)

Date of decision: 07.12.2021

SANDEEP KUMAR AND ANOTHER

..Petitioners

Versus

MANOHARI AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shalender Mohan, Advocate for the petitioners.

ANIL KSHETARPAL, J (Oral)

The petitioners are respondent No.1 and 2 in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, to grant compensation on account of death of Maman son of Hari Ram in an automobile accident.

On 17.05.2019, the claim petition was received by the Tribunal by way of an assignment. The Court ordered issuance of notice for 20.08.2019. On that day, respondent No.1 and 2 (the petitioners herein) entered appearance and sought an adjournment for filing reply. The case was adjourned to 15.10.2019 for filing a written statement. The Presiding Judge was expected to be on a leave on 15.10.2019, therefore, the case was taken up on 11.10.2019 and adjourned to 22.11.2019. On 22.11.2019, no reply was filed as a result, the defence was struck off. The petitioners claim that the Court has not granted sufficient opportunities to file the written statement. It has been noticed that the petitioners have been granted three months' time to

the learned counsel. However, it has been noticed that after 20.08.2019, the case was taken up for the first time on 22.11.2019 by the Presiding Judge. Hence, the Court should be more liberal.

Accordingly, without commenting anything upon the merits of the case, it is considered appropriate to grant one more opportunity to the petitioners to file their reply within a period of 10 days, from the receipt of a certified copy of this order, subject to payment of costs of Rs.10,000/- which shall be payable to the claimants by way of a demand draft. If the reply is filed along with costs within the stipulated period, the Court will take it on the record and proceed with the matter.

As the order has been passed without issuing notice to the respondents, therefore, they shall have the liberty to file an application for recalling of the order.

All the pending miscellaneous application(s), if any, are also disposed of.

07.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE