

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1657 of 2021 (O&M)

Date of decision : 20.8.2021

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Harkrishan Singh

.....Petitioner

vs.

Managing Director, Punjab Roadways, Chandigarh
and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

In a claim petition under Section 166 of the Motor Vehicles Act, filed by the injured claimant – Harkrishan Singh against Managing Director, Punjab Roadways, Chandigarh and others, during pendency of the proceedings, the respondents moved an application for amendment of the written statement contending that in the written statement filed by them due to inadvertence and oversight, as well as typographical mistake in para No. 24 line 5 page 3 , after the words 'on the Motor Cycle of Kuldeep Singh marked as Splendor' and before the words 'Claimant at a belated stage' at page No. 4 line No.4

from bottom following is to be added

"Plus bearing registration no PB- 23-J-7146 was coming towards village Phari Panecha (Amlah). It is denied that Kuldeep Singh was driving the Motor Cycle with proper care and caution by observing all the traffic rules and regulations and was on the left side of the road at a normal speed and then it was about 10.00AM, when they were coming through Pakki Road and reached near village Bhaddal Thua Ramdasia Basti, then in the meanwhile from behind a roadways Bus bearing registration no PB-11-Z-5602, came which was being driven by its driver respondent no 3, in a rash and negligent manner , without blowing horn came and struck the conductor side of the Bus into the Motorcycle of the injured. It is denied that due to impact Motor Cycle got badly damaged and Harkrishan Singh (Injured) Kuldeep Singh and Harbans Singh along with their Motorcycle fell down on the road. It is denied that injured/claimant Harkrishan Singh received multiple grievous injuries on right leg, lower back and other parts of body. It is denied that Harbans Singh and Kuldeep Singh also received injuries on both legs arms and various other parts of body. It is denied that driver of the roadways bus

bearing registration no PB-11-Z- 5602 after the accident did not stop the bus and ran away alongwith the Bus from the spot towards Amloh Side. It is denied that Injured/claimant Harkrishan Singh was first taken to Civil Hospital Amloh and after giving treatment he was referred to PGI Chandigarh where he was operated upon and his right leg got amputated and he remained admitted in PGI from 07.03.2012 to 13.03.2012. and his now under treatment.

That all the allegations are wrong and are denied. That the true facts are that on 07.03.2012, the driver of the Bus was on duty. That the driver at left for Patiala from Khanna Bus Stand on 07.03.2012 at about 6.35.am in Bus no PB-11 Z- 5602 on route no 212A. That when the Bus reached near Markfed Godown then the fan Belt of the Bus had developed defect . Then the Bus conductor had sent the passengers of the Bus in another Bus and the driver after leaving the Bus at Markfed Godowns left for Patiala and had given the note in the register that the there is breakdown in Bus No PB-11-Z- 5602. That after getting the Fan belt from Patiala and getting it repaired from the private Mechanic the bus had gone on Khanna- Nabha Route at about 2.20. PM. That

due to breakdown in the bus no trip was made to Patiala from Khanna in the morning on 07.03.2012. That since the Bus had developed and the Bus had not gone to Patiala as such there is no question of bus heaving caused an accident. That claimant had cooked a false story just to get easy compensation. That driver was neither challaned nor the number of the Bus is mentioned in FIR.

It is denied that on the statement of Kuldeep Singh s/o Karnail Singh the FIR No 20 dated 08.03.2012 u/s 279/337/338 IPC was registered against the driver. It is denied that the claimant and eye witness had informed the Bus number the Police. That all the other allegations mentioned in this Para are wrong and are denied".

That application for amendment was opposed on behalf of the claimant. However, the Motor Accidents Claims Tribunal, Fatehgarh Sahib, vide impugned order dated 15.2.2021, had accepted the application. The said order left the claimant aggrieved and he has challenged the same by way of filing the present civil revision petition.

I have heard learned counsel for the revisionist – claimant, besides going through the record.

The Motor Vehicles Act, 1988, is a piece of welfare legislation enacted by the Parliament to enable the persons suffering

injuries in a motor vehicular accident or legal representatives of the persons loosing their lives in such road accidents, to get compensation in an easy and hassle free manner. Provisions of Code of Civil Procedure are not strictly applicable in such type of cases. The endeavor of the Tribunal is to determine as to whether the claimant is entitled to any compensation, if so, the quantum thereof.

Though the amendment was sought by the respondents at a belated stage, after about 1- ½ years when the petitioner had already closed his evidence and the case was at the stage of evidence of respondents. But then the Tribunal, in its wisdom, found it proper and appropriate to allow the amendment. It is to be taken note of that rules of procedure are meant for advancing the ends of justice and the Courts, which are required to do substantial justice are not to get bogged down in technicalities.

Therefore, I do not see any reason to interfere with the order, allowing the amendment of written statement. However, it is observed that the Tribunal while allowing the application for amendment has not kept into view the fact that the application was filed quite belatedly when the petitioner-claimant had statedly concluded his evidence and now on account of amendment being allowed, he may have to examine the witnesses again and lead fresh evidence putting financial constraint upon him, for which he deserves to be compensated by way of awarding costs, which has not been so done by the Tribunal.

Under the circumstances, though the order allowing the amendment of the written statement is affirmed but it is directed that

the respondents shall pay a sum of Rs.10,000/- to the claimant as costs. The Tribunal shall ensure that costs are paid by the respondents to the claimant before the respondents are allowed to lead evidence in the matter.

With such observations, the revision petition stands disposed of.

20.8.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No