

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

CR-2200-2021 (O&M)

Date of decision: 01.10.2021

Sabar Khan

...Petitioner

Versus

Sardari Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein is against an order dated 23.09.2021 passed by learned Motor Accidents Claims Tribunal, Ambala, whereby the evidence of owner-cum-driver has been closed.

2. Ordinarily, this Court would not have interfered in the matter, however, it appears that due to unfortunate circumstances beyond control of the petitioner, as more particularly enumerated in the petition herein viz. death of the counsel for the petitioner in May, 2021, he could not adduce his evidence on the date fixed, despite his having taken steps to engage the services of a new counsel on 11.08.2021 and thereafter filing the process fee for summoning the witness for 20.09.2021. Seemingly, the petitioner took reasonable steps to make sure that no unnecessary delay is caused on his part. Notwithstanding, on the assigned date i.e. 23.09.2021 when the petitioner's witness was to appear, the same did not happen for lack of service in view of the delay in depositing the process fee, leading to order under challenge herein.

3. In the peculiar circumstances, as already observed, that the petitioner had indeed observed due diligence and taken reasonable steps it

seems rather harsh that the Tribunal should have passed the impugned order, which would cause serious prejudice to the petitioner for lack of his evidence.

4. In view of the nature of order being passed, issuance of notice of motion is being dispensed with, apparently no prejudice would be caused to the respondents.

5. In the interest of justice, petitioner is being granted one more opportunity to do the needful. He shall not seek any further adjournment on his own accord, subject of course, to the discretion of the Tribunal to adjourn the case, depending upon the exigency of its court work.

6. Accordingly, order dated 23.09.2021 is set aside. Petitioner shall be given one opportunity to adduce his evidence. It is stated that next date before the Tribunal is 05.10.2021. Given the paucity of time, when the matter be taken up on 05.10.2021, learned Tribunal shall give one opportunity thereafter, for doing the needful. However, if the petitioner is ready on 05.10.2021, may do so on the date fixed itself.

7. Disposed of accordingly.

01.10.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No