

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

CR-2609 of 2021 (O&M)

Date of decision: 03.11.2021

Hasim

...Petitioner

Versus

Irshad and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

H.S. MADAAN, J.(Oral)

This revision petition is directed against order dated 18.10.2021 (Annexure P-31) passed by Presiding Officer-cum-Motor Accidents Claims Tribunal, Gurugram.

Briefly stated facts of the case are that, claimant Hasim had filed a claim petition under Section 166 read with Section 140 of the Motor Vehicles Act against respondents Irshad and others, which was pending before Presiding Officer-cum-Motor Accidents Claims Tribunal, Gurugram; after hearing arguments when the case was fixed for pronouncement of award, Presiding Officer-cum-Motor Accidents Claims Tribunal, Gurugram, vide order dated 18.10.2021 observed that a serious question with regard to territorial jurisdiction had cropped up in the case and in his opinion, without given any opportunity to the parties on that point, if the petition was decided that might result into miscarriage of justice, therefore, he posted the case for further arguments

on that point for 25.10.2021; however, on that day, District & Sessions Judge, Gurugram transferred the case to Sh. Phalit Sharma, Addl. District Judge-cum- Presiding Officer-cum-Motor Accidents Claims Tribunal, Gurugram directing the parties to appear there on 26.10.2021.

The claimant is feeling aggrieved by both the orders and has filed the present revision petition.

I have heard learned counsel for the revisionist besides going through the record and I find that the revision petition is absolutely without merit.

Though the Presiding Officer of Motor Accidents Claims Tribunal, Gurugram while hearing final arguments in the case was expected to get necessary clarification with regard to any doubt, which might cropped up in his mind with respect to the case including the territorial jurisdiction but if it was not so done, nothing debarred him from getting clarification in that regard from counsel for the parties and he had accordingly done so. His transferring the case to some other Tribunal can also be not viewed with any suspicion, more particularly, there are no direct and clear allegations of mala fide, partiality or favouritism against the Presiding Officers. I do not find any occasion to interfere with the impugned orders by way of exercising revisional jurisdiction. The revision petition stands dismissed accordingly.

03.11.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No