

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-353-2022 (O&M)
CM-923-CII-2022
Date of Decision: 03.02.2022

RAM KUMAR AND ANOTHER

....Petitioners

Versus

GUDDI AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Lalit Kumar, Advocate
for the petitioners.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Revision petition herein is directed against the impugned order dated 29.08.2019 passed by learned Motor Accident Claims Tribunal, Jind in MACT Case No.357 of 2018, whereby the right of the petitioners for filing written statement was struck off.

2. Learned counsel for the petitioners submits that a claim petition under Section 166 of the Motor Vehicle Act, 1988 was filed by respondent No.1 before the Tribunal on account of death of one Nitin. There is no Insurance Company yet named in the claim petition. The only contesting parties were the owner and driver of the vehicle i.e. petitioner No.1 and 2. In the said claim petition, notice to the parties concerned was issued and the matter was taken up on various dates. However, due to *Covid-19 pandemic*, the petitioners could not file their reply/written statement as directed by the

learned MACT, Jind. In result, their right to file the written statement was struck off vide order dated 29.08.2019. Hence, the present petition.

3. Learned counsel argues that impugned order has resulted in grave miscarriage of justice. For effective and proper adjudication of the case on its merits, the petitioners be permitted to file their written statement(s).

4. I have heard learned counsel for the petitioners and perused the case file.

5. Given the nature of order being passed, there is no necessity to issue notice to the respondents as no prejudice would be caused to them. Notice to the respondents is dispensed with.

6. It is trite law that Rules of procedure are handmaids of justice. Any interpretation thereof that leads to foil real and substantial justice between the parties ought to be discouraged. More so, in the case in hand, the reply/written statement is ready and is annexed at Annexure P-2. In any case, no prejudice would be caused to the respondents if the petitioners are permitted one opportunity to file their written statement. The counsel for the petitioners undertakes to file the written statement on the adjourned next date.

7. In the premise, the instant revision petition is allowed. Impugned order dated 29.08.2019 is set aside subject to payment of Rs.10,000/- as costs. Petitioners are given one opportunity to file their written statement(s). However, it is made clear that in case the petitioners fail to file the written statement(s) on or before the date given by the trial Court i.e. 23.02.2022, no further time shall be granted and the Court below shall proceed in accordance with law.

8. Pending application/s, if any, shall also stand disposed of.

February 03, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No