

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-7790 of 2017 (O&M)  
Date of decision: 15.12.2022

Chand Singh

..Petitioner

Versus

Govind and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravinder Hooda, Advocate  
for the petitioner.

Ms. Sharmila Sharma, Advocate

Mr. Sudhir Hooda, Advocate  
for the respondents.

**ANIL KSHETARPAL, J(Oral)**

1. The petitioner herein is the claimant in a claim petition filed under Section 166 of the Motor Vehicle Act, 1988 for the grant of compensation on account of an automobile accident. The petitioner apart from the other injuries lost his leg in the said accident.

2. The Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal'), dismissed the claim petition for default on 08.12.2016. An application filed by the petitioner with a prayer to restore the same has been dismissed by the Tribunal on 09.10.2017 on the ground that the petitioner has not filed the application for condonation of delay in filing the application for restoration. The correctness of the aforesaid order has been challenged before this Court.

3. It is by now a well settled law that if the application or the grounds of appeal itself disclose sufficient reasons for the condonation of

delay, the necessity of filing a separate application for condonation does not exist. Reference in this regard can be made from the judgment passed by the Supreme Court in **Bhagmal and others vs. Kanwar Lal and others (2010) 12 SCC 159**. The petitioner while filing the application has asserted as under:-

*“2. That on 08.12.2016 the counsel of applicant/petitioner not come to the Hon'ble Court because the counsel of the petitioner/applicant was out of station on that day and applicant/petitioner also could not attend the Hon'ble Court due to illness health. That on 24.03.2017 when applicant/petitioner came to Court then it came to the knowledge of petitioner/applicant and told by the reader that the petition has been dismissed in default.*

*3. That the absence was not intentional of petitioner/applicant but for the reasons beyond the control of the applicant.”*

4. The Court should have taken a holistic view of the matter. Section 166 of the Motor Vehicles Act, 1988 has been enacted to provide relief to the claimants, who suffer damages in an automobile accident either due to injury or due to loss of their loved ones. In such situation, the court is required to take a pragmatic view of the matter. The claim petition should not be dismissed on small default or on account of hyper technicalities. These Tribunals are constituted to provide a speedy remedy to the persons who suffer on account of an accident.

5. Keeping in view the aforesaid facts, the order dated 09.10.2017 is set aside. The claim petition shall stand restored to its original number.

6. The parties through their learned counsels are directed to appear before the Tribunal, on 16.01.2023.

7. It is expected that the Tribunal will make sincere endeavours for the expeditious disposal of the claim petition, preferably within a period of

one year, from today.

8.           The revision petition is allowed.
9.           All the pending miscellaneous applications, if any, are also disposed of.

December 15, 2022

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(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No