

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

CR No.2449 of 2022

Date of decision: 12th October, 2022

Chhindo Bai

... Petitioner

Versus

Surender Kumar & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. V.B. Godara, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The instant revision petition under Article 227 of the Constitution of India has been preferred for setting aside the order dated 09.05.2022 (Annexure P2) passed by learned Motor Accident Claims Tribunal, Fatehabad whereby the claim petition of the petitioner has been dismissed.

Learned counsel appearing for the petitioner/claimant inter alia submits that the learned Tribunal, while passing the impugned order, failed to appreciate that the petitioner was an old lady who had lost not only her young son but also the sole bread winner of her family in a motor vehicular accident. Learned counsel vehemently submitted that subsequent to the death of her young son, the financial condition of the petitioner had worsened, as a result of which she was unable to arrange for finances to pay the legal fees of her counsel before the

learned Tribunal. As a result, her counsel did not appear before the Tribunal on the date of hearing and being an illiterate lady she was not thus aware about the status of the proceedings before the Tribunal. Learned counsel has thus, prayed for granting one more opportunity to the petitioner so that she can contest the case on merits, failing which the cause of justice would suffer.

I have heard learned counsel for the petitioner and perused the relevant material on record.

The petitioner is a senior citizen aged 70 years and it is but natural that being an illiterate woman she could not be expected to be well versed with the nitty gritty of the Court proceedings. The plea of the petitioner qua her poor financial condition after the death of her young son and her subsequent non-appearance before the Tribunal on 09.05.2022 comes across as genuine and believable. It would not be out of context to observe here that the Courts are obligated with the duty to protect and force the rights of the citizens and the Court must conscientiously take a sympathetic view if on account of the financial incapacity of a litigant, his or her pursuit for justice is hampered.

In the instant case, if the petitioner is not granted one more opportunity to pursue her claim petition, it would definitely cause great prejudice to her and resultantly the cause of justice would naturally suffer. Thus, in the aforementioned facts and circumstances, the impugned order is set aside and the instant revision petition is allowed.

Learned Tribunal concerned is directed to ensure that appropriate legal aid is provided to the petitioner for the effective disposal of the claim petition filed by her under Section 166 of the Motor Vehicles Act, 1988.

(MANJARI NEHRU KAUL)
JUDGE

October 12, 2022
rps

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