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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3565-2022 (O&M)

Date of Decision:01.09.2022

Mohammad Farid @ Farid

.. Petitioner

Vs.

Suman Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.K. Bali, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner is aggrieved against the order dated 11.05.2022 passed by Motor Accident Claims Tribunal, Karnal in MACP-212 of 2021, whereby his defence was struck off, as no written statement was filed, in stipulated period.

Learned counsel contends that on 25.03.2021, notice of claim petition was issued to petitioner/respondent No.1 and insurance company and the case was adjourned to 12.05.2021. He submits that the case was taken up on 11.05.2021 instead of 12.05.2021 and the case was adjourned to 27.08.2021 due to breakout of pandemic COVID-19.

On 27.08.2021, fresh notice was issued to the petitioner, as the Tribunal found that the address of the respondent No.1/petitioner, provided by the claimants was not correct and the case was adjourned to 02.11.2021, when again fresh notice was issued by the Tribunal, while adjourning the case to 21.12.2021. On 21.12.2021, counsel for the petitioner had put in appearance by filing the power of attorney and the case was adjourned to 14.02.2022 for filing written statement.

Thereafter, petitioner sought three more adjournments for filing

the reply of claim petition, who failed to file the written statement, and his defence was struck off on 11.05.2022.

Learned counsel states that the written statement is ready with the petitioner and would be filed positively on or before 08.09.2022 i.e. the date fixed before the trial Court. He submits that in case, the petitioner is allowed to file his written statement, no prejudice would be caused to the other side.

Heard.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondents, as it may cause unnecessary burden upon them and the nature of order would not cause any prejudice to them. However, it is made clear that in case, the respondents feel that the petitioner has not approached this Court with clean hands, it shall be open for them to seek recalling of this order.

Upon considering the nature of litigation between the parties, as well as explanation offered by the petitioner for delay in filing his response, this Court deems it appropriate to afford one more opportunity to petitioner to file the written statement.

Resultantly, the impugned order dated 11.05.2022 (Annexure P-6) is set aside and petitioner is granted only one opportunity to file his written statement on or before the next date of hearing fixed before the trial Court i.e. 08.09.2022.

Disposed of.

01.09.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No