

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

CR-3682-2022 (O&M)

Date of decision: 18.11.2022

Parmila Devi and another

....Petitioners

Versus

Rajneesh Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.N.Sharma, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

1. The petitioners herein are the parents of late Sh.Pinku Ram. Late Sh.Pinku Ram is alleged to have lost his precious life in an automobile accident. The petitioners claim petition under Section 166 of the Motor Vehicles Act, 1988, to grant compensation on account of death of their son, late Sh.Pinku Ram is pending before the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal'). By the impugned order dated 12.08.2022, the Tribunal has closed the opportunity to the claimants to lead evidence on the ground that sufficient opportunities have been granted to the claimants for leading the evidence.

2. Heard the learned counsel representing the petitioner and with his able assistance perused the paperbook. Learned counsel admits that six effective opportunities have been granted to the petitioners, however, he submits that the petitioners are the residents of Village Bhittha Tohla, Dumra Mahabal, P.S Bhiwanipur, District Purnia, Bihar and they could not collect evidence during this time. He submits that if the petitioners are granted one opportunity they will produce their entire

evidence in support of their claim.

3. Under the Motor Vehicles Act, 1988, the Tribunal has been constituted for assessing the amount of compensation payable to the claimants on account of the injuries/damages suffered by them and on account of death of their near or dear ones. In these cases, the Tribunal is required to take a holistic view of the matter. The court should be more considerate towards the claimants, who have already lost a member of their family.

4. Keeping in view the aforesaid facts, the petition is allowed. The impugned order dated 12.08.2022 is set aside. The petitioners shall be granted one opportunity to lead evidence. Since this order has been passed without issuing notice to the respondents, therefore, they shall have the liberty to file an application for recall, if required.

5. All the pending miscellaneous applications, if any, are also disposed of.

18.11.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE