

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-891-2014
Decided on : 30.05.2022

Uday Appellant

Versus

Nishar and others Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishav Jain, Advocate
for the appellant.

Mr. Satish Jain, Advocate
for the Insurance Company.

Manjari Nehru Kaul, J.(Oral)

Instant appeal has been filed by the appellant-claimant impugning the award dated 07.10.2013 passed by Motor Accident Claims Tribunal, Palwal (hereinafter called as 'the Tribunal') whereby the claim petition under Section 166 of Motor Vehicles Act was dismissed.

Learned counsel for the appellant submits that a total of three claim petitions under the Motor Vehicle Act arising out of the same accident were filed before the Tribunal. The claim petition of the appellant was dismissed after the evidence of the appellant was closed by order as he failed to put in appearance on as many as five dates of hearing. He further submits that the appellant thereafter impugned the dismissal of his claim petition by way of instant appeal, however, in the interregnum, the connected claim petitions were allowed by the Tribunal and the claimants were granted compensation.

Learned counsel, therefore, prays that the instant appeal be remanded back to the Tribunal for its decision on merits else the appellant would be deprived of his rightful claim of compensation on account of the injuries sustained by him in the motor vehicle accident. He further submits

that the absence of the appellant before the Tribunal was due to genuine reasons beyond his control and it was neither intentional nor were there any malafides behind it.

Learned counsel for the respondent-Insurance Company while controverting the submissions made by the counsel opposite submits that the matter be not remanded back as the claim petition of the appellant was rightly dismissed. He however, fairly concedes that other two claim petitions arising out of the same accident had since been allowed by the Tribunal.

Heard learned counsel and perused the relevant material available on record.

Admittedly, the claim petition filed by the appellant was dismissed as he had failed to lead any evidence in support of his case despite being granted sufficient opportunities.

Be that as it may, the provisions of compensation under the Motor Vehicle Act being a social welfare legislation coupled with the fact that other two claim petitions arising out of the same accident stood allowed, this Court deems it appropriate to remand the matter back to the Tribunal for its decision on merits after giving due opportunities of leading evidence to both the sides.

Parties are directed to appear before the 1d. Tribunal concerned on 25.07.2022.

(MANJARI NEHRU KAUL)
JUDGE

30.05.2022
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No