

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

113

**CR-529-2022
Date of Order: 17.02.2022**

BALWINDER SINGH

..Petitioner

Versus

AVTAR SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner is respondent No.1 in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988. His defence has been struck off as he did not file the written statement after availing sufficient opportunities and he failed to pay the cost as well.

The learned counsel representing the petitioner contends that the cost has been paid to the learned counsel representing the claimants on the same date.

The learned counsel representing the petitioner contends that the petitioner could not file the written statement as he could not get the CCTV footage. He contends that the petitioner has recently got hold of the CCTV footage and is prepared to file the written statement.

The petitioner has put in appearance before the Motor Accident Claims Tribunal on 01.03.2021. He had been granted five effective opportunities to file the written statement. The claim petitions filed under Section 166 of the Motor Vehicles Act, 1988, are required to be decided expeditiously.

The petitioner has successfully delayed the file. However, in the absence of the response of the petitioner, the Tribunal will have to decide the case on the basis of the available record.

Keeping in view the aforesaid facts, the petitioner is granted one last opportunity which shall be subject to the payment of cost of Rs.10,000/- payable to the claimant by way of a demand draft in his favour. The order under challenge is modified, subject to the condition that if the petitioner tenders the cost and files the written statement within a period of 15 days, from today, the written statement shall be taken on record.

If the petitioner does not comply with the order, the revision petition shall be deemed to have been dismissed.

Disposed of.

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

February 17th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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