

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

CR-3405-2021

Date of Decision: 04.02.2022

Sudesh and others

....Petitioners

Versus

Naveen and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naveen Kashyap, Advocate
for the petitioners.

Mr. Punit Jain, Advocate,
for respondent No.3-Insurance Company.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners seek setting aside of an order dated 01.11.2021 (Annexure P-6) passed by learned Motor Accidents Claims Tribunal, Rohtak vide which the evidence of the petitioner was closed.

2. Learned counsel for the petitioners submits that on dated 12.10.2021 case was adjourned to examine remaining witness but due to non-service of summons, the witness was unable to appear before the Court and learned MACT Rohtak vide impugned order dated 01.11.2021 closed the evidence of the petitioners by saying that petitioners have availed as many as 13 opportunities for leading evidence including two last opportunities. He submits that petitioners intentionally have not taken the dates but due to non-service of summons, witness did not appear.

3. I have heard learned counsel for the petitioners and perused the case file.

4. Rules of procedure are handmaids of justice and cannot be allowed to thwart real and substantial justice between the parties. According to learned counsel, no prejudice would be caused to the respondents if the petitioner is permitted one more opportunity to examine the remaining

5. Given the nature of order being passed, there is no necessity to issue notice to the respondents as no prejudice would be caused to them.

6. Taking judicial notice of certain unavoidable delays which are currently being caused due to the pandemic, as a special measure, I deem it appropriate to grant just one opportunity to the petitioners to examine the remaining witnesses. It is however made clear that MACT shall be at liberty to adjourn the case at its judicial discretion.

7. Subject to payment of costs of Rs.5,000/-, list of witnesses be filed on or before the next date of hearing before the Motor Accidents Claims Tribunal, Rohtak failing which no further opportunity shall be granted. On filing of list of witnesses, MACT shall issue requisite summons to the respective witnesses.

8. By way of imposition of costs, the petitioners shall plant trees worth Rs.5000/- of deciduous and perennial in nature, of any variety viz. Neem, Amla, Gulmohar and/or Alstonia, in the neighbourhood of their area, where they reside. Plantation shall be carried out under the supervision of the Estate Officer, Municipal Corporation, Rohtak. In case, the petitioners default in doing so, liberty is granted to the Registry to place the matter before this Court to report non-compliance thereof. Proof of plantation to be furnished by the petitioners along with bill in the Registry of this Court, with supporting letter from the Estate Officer, Municipal Corporation, Rohtak, to be placed before this Court upon receipt thereof.

9. To that extent, the impugned order is modified and the revision petition is allowed.

February 04, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No