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

CR-4554-2018 (O&M)
Date of Decision: February 13, 2023

Devender Kumar

...Petitioner

AND

Bharat Bhushan

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ivneet Singh Pabla, Advocate
for the petitioner.

Mr.Devinder Singh, Advocate
for the respondent.

ARCHANA PURI, J.

Challenge in the present petition is to the order dated 21.03.2018 passed by learned Presiding Officer, Motor Accident Claims Tribunal, whereby, an opportunity to file a written statement by the petitioner-driver-cum-owner, has been waived off.

Heard.

Perusal of the impugned order reveals that, on the date, when the impugned order was passed, the case was fixed for filing of the written statement, at the instance of the petitioner-driver-cum-owner, but however, a request was made by the counsel for the petitioner, for filing of the written statement. As per the time schedule fixed by the Presiding Officer, written statement was to be filed by 11.00 a.m. Thereafter, Presiding Officer did

not wait and at 11.45 a.m., impugned order was passed, thereby, stating about the opportunity to file written statement, deemed to have been waived off, on behalf of the present petitioner and thereupon, the case was fixed for recording of the ex-parte evidence.

However, the Tribunal is supposed to pass any adverse order, with regard to filing or non-filing of any document/proceedings by a concerned person, till rising of the Court. However, the Tribunal in the pre-lunch session only, had passed an adverse order, even though, a request was made by the appearing counsel for filing of the written statement, on that very day.

Keeping in view the tone and tenor of the impugned order dated 21.03.2018 , the same is set aside, thereby, giving only one more opportunity to the petitioner to file the written statement, on the next date fixed before the Tribunal.

As such, the present revision petition stands disposed of.

February 13, 2023
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No