

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

135

2023:PHHC:119388

CR-710-2021

Date of decision: 12.09.2023

OK PLAY INDIA LIMITED

..Petitioner

Versus

MAHENDER AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Bedi, Advocate
and Mr. Pawandeep Singh, Advocate
for the petitioner.

Mr. Sahil Abhi, Advocate
for respondent No.3.

ANIL KSHETARPAL, J(Oral)

1. Respondent No.1 and 2 have not entered appearance despite service of notice.

2. The petitioner herein is the owner of vehicle Eicher Canter, which was involved in an automobile accident. The claim petition filed by Sh. Mahender is pending before the Motor Accident Claims Tribunal (hereinafter referred to as the 'Tribunal'). Through this revision petition, the petitioner assails the correctness of order passed on 28.01.2021 and 08.03.2021, whereby, his further opportunity to lead evidence has been closed.

3. The learned counsel representing the petitioner contends that on account of Covid-19 pandemic, the functioning of the Courts remained suspended for quite some time and immediately on reopening, the evidence of the petitioner was closed. He submits that once an opportunity is granted, he will conclude his entire evidence.

4. This Court has considered the submissions.

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5. The learned counsel representing respondent No.3 has no objection.

6. During spread of Covid-19, working in the Courts like other institution was adversely affected.

7. In such circumstances, the Tribunal should have been liberal in granting additional opportunity.

8. Keeping in view the aforesaid facts, the revision petition is allowed. The orders dated 28.01.2021 and 08.03.2021 are set aside. The Tribunal is directed to afford one opportunity to the petitioner subject to the payment of cost of Rs.10,000/-, which shall be payable to the claimant.

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

September 12th, 2023

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**(ANIL KSHETARPAL)
JUDGE***Whether speaking/reasoned* : *Yes/No**Whether reportable* : *Yes/No*