

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CR No. 2599 of 2023

Date of Decision : 28.04.2023

Rajjo and others

...Petitioners

Versus

Kuldeep Thakur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhupender Singh, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

The present civil revision petition has been filed for setting-aside the order dated 09.03.2023 (Annexure P-5) by which the evidence of the petitioners-claimants was closed on the ground that four effective opportunities have already been granted as well as to the order dated 20.04.2023 (Annexure P-7) by which, application sought for leading the additional evidence was dismissed.

Learned counsel for the petitioners argues that petitioner-claimant No. 1 is an illiterate lady and was dependent upon the counsel coupled with the fact that the present claim is under welfare legislation so as to compensate a family in respect of the death suffered by a family member in an accident, hence, keeping in view the facts and circumstances of the present case, one more opportunity be extended to lead the evidence even if the same is to be granted by imposing cost.

I have heard learned counsel for the petitioners and have gone

through the record with his able assistance.

In the present case, the claim petition has been filed by the petitioner-claimant No. 1 in respect of death of her husband. The nature of claim is to ensure the welfare of the legal heirs of the deceased and to grant adequate compensation for the loss, which they have suffered for the death of family member. The claimants need to be given adequate opportunity to bring on record all the facts so as to become entitled for the grant of compensation.

Though, four opportunities have already been given to the petitioners but keeping in view the facts and circumstances of the present case, as undertaken by the learned counsel for the petitioners, one more opportunity is granted to lead the entire evidence either on the next date of hearing or any date to be fixed by the trial court for the said purpose. It is made clear that no further opportunity will be granted for leading evidence in case the opportunity granted by this Court is not availed. However, the said opportunity will be subject to payment of Rs. 5,000/- as cost to be paid to the driver and owner of the alleged offending vehicle.

As the present order is being passed without issuing notice to all the concerned, in case the respondents feel prejudice by this order, they will be at liberty to file appropriate application.

Civil revision petition is allowed in above terms.

April 28, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No