

CR-5365-2023 (O&M)**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****127****CR-5365-2023 (O&M)
Decided on : 21.12.2023**

Bholi

... Petitioner(s)

Versus

Bablu Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPRESENT: Mr. Saleem Ahmed, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)**CM-23437-CII-2023**

I. This is an application filed under Section 151 CPC, for placing on record the zimni orders as Annexure A-3 (zimni orders from 10.02.2020 to 20.10.2023).

II. Allowed as prayed for. Zimni orders as Annexure A-3, are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

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1. By way of present revision petition, petitioner – Bholi (petitioner/claimant No.1), has challenged the order dated 31.10.2022 (Annexure P-2) (in MACP/564/2017), passed by Ld. Motor Accident Claims Tribunal, Faridabad (for brevity, 'Ld. Tribunal'), whereby, evidence of the petitioner has been closed.

2. Learned counsel for the petitioner (petitioner/claimant No.1) submits that issues were framed by the Ld. Tribunal, during the peak of

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pandemic COVID-19 i.e. on 25.08.2021. Thereafter, for one reason or the other, claim petition kept on adjourning. To show the reasons of adjournment, counsel refers to the zimni orders, which have been taken on record as Annexure A-3, vide separate order of even date passed in CM-23437-CII-2023.

3. He further submits that petitioner is a widow. She is resident of Bijnor (Uttar Pradesh), and is not having any connection with the area of Faridabad. Rather, there is no one known to her, who could have done follow up of the proceedings of trial. On account of the accident in question, she has already lost her husband. Because of her compelling circumstances, no material evidence could be led by her, in the claim petition filed in the year 2017 before the Ld. MACT, Faridabad. Petitioner is stated to be an illiterate and rustic villager. Thus, counsel prays for taking a lenient view by granting two more effective opportunities to allow the petitioner to lead her evidence in the claim petition.

4. Therefore, counsel submits that by taking a lenient view, if two effective opportunities are granted to the petitioner (petitioner/claimant No.1) to lead her evidence, same would be sufficient opportunity for her.

5. I have heard learned counsel for the petitioner/defendant No.1, and perused the relevant material on record.

6. For deciding the small issue raised in the present petition, this Court does realize that there is no need to call upon the respondents. Rather, same would be sheer wastage of time, for no gain to any of the party to the *lis* and would prolong the proceedings pending before learned Tribunal.

7. Once relevant evidence is available before the Court, it would be convenient for the Court also to decide the controversy before it, after

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appreciating the same.

8. Considering the circumstances in its totality, **I hereby deem it appropriate to set-aside the impugned order dated 31.10.2022 (P-2) to the extent of closing of evidence of the petitioner/claimant No.1 (petitioner herein)**, and consequently, grant two more effective opportunities to the petitioner/claimant No.1 for leading her entire evidence.

However, this Court is inclined to share its expectation that learned counsel representing the claimants would also make all possible efforts to lead and complete the required evidence within the stipulated time period.

9. Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

December 21, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No