

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CR No. 3022 of 2023

Date of Decision : 16.05.2023

Poonam and others

...Petitioners

Versus

Virender Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ketan Antil, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioners argues that in the present case, the petitioners had filed claim petition before the MACT, Sonapat so as to claim compensation but inadvertently, the process fee could not be deposited for serving respondents no. 1 and 2 though, respondent No. 3 had already been served and the said claim petition is still pending consideration qua respondent No. 3, whereas the same has already been dismissed for non-prosecution qua respondents No. 1 and 2.

2. Learned counsel for the petitioners submits that the widow, minor children of the deceased as well as the aged parents of the deceased were the claimants and keeping in view the fact that the claimants are not literate, their academic background, they never knew that process fee what was to be deposited by the counsel engaged by him, has not been deposited, hence, the impugned order dated 21.04.2023 (Annexure P-5) so as to dismiss the claim qua respondents No. 1 and 2 may kindly be set-aside and

one more opportunity be granted to deposit the process fee so as to serve respondents No. 1 and 2.

3. Keeping in view the facts and circumstances of the present case, especially that the claim petition has been filed under beneficial legislation so as to compensate the family of the deceased, who has lost the loved one coupled with the fact that respondent No. 3 has been served and no effective proceeding has come on record so as to cause any prejudice to the respondents, in the interest of justice, the order dated 21.04.2023 (Annexure P-5) as per which the claim was dismissed for non-prosecution against respondents No. 1 and 2, is set-aside. Let the process fee for serving respondents No. 1 and 2 be deposited by the petitioners within a period of two weeks from today and in case, any such process fee is deposited, Tribunal is directed to issue notice to respondents No. 1 and 2 for the next date of hearing.

4. Petition is allowed in above terms.

May 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No