

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4373-2023 (O&M)
Date of Decision:-03.08.2023

SANTOSH AND OTHERS

... Appellants/Petitioner(s)

Versus

DHARAMBIR AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Rohit Mittal, Advocate
for the petitioner.

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KARAMJIT SINGH, J. (Oral)

1. The present revision petition has been filed by the petitioners/claimants against the order dated 11.7.2023 passed by Motor Accident Claims Tribunal, Narnaul in case having No. MACP-61-2020, whereby the evidence of the petitioners has been closed by order by the said Tribunal.
2. I have heard the counsel for the petitioner who made prayer that effective and proper opportunity be granted to the petitioner to conclude his evidence. The counsel for the petitioner further submits that the aforesaid claim petition has been filed by the petitioner being widow and minor children of deceased Ajay Kumar and now the

family is living in penury and they are having no source of income.

The counsel for the petitioner further submits that there was no intention on the part of the petitioner to delay the proceedings in the claim petition.

3. From the perusal of claim petition (Annexure P-1), it is evident that the petitioners i.e. widow and minor children of Ajay Kumar have filed claim petition under Section 166 of Motor Vehicle Act on account of death of Ajay Kumar in a Motor Vehicle Accident. In the claim petition it has been pleaded that all 3 petitioners were dependent on the income of Ajay Kumar.
4. Admittedly the evidence of the petitioners has been closed by order by the Tribunal on 11.7.2023 and by that time, the petitioners availed 5 opportunities to conclude their evidence. The strict provisions of CPC are not applicable to such like claim petitions. Otherwise also the Tribunal should have taken sympathetic view to impart substantial justice, while taking into consideration the fact that 2 of the petitioners are minor children while the 3rd petitioner is widow, who has lost her husband in a motor vehicle accident. Thus the impugned order is not sustainable and is accordingly set aside.
5. For the foregoing reasons, this Court deems it appropriate to grant 2 more effective opportunities to the petitioners to conclude their evidence.
6. The present petition stands disposed of in aforesaid terms.

7. Given the nature of order being passed, there is no necessity to issue notice of motion at this stage to the respondents. However, liberty is granted to the respondents that if they feel dissatisfied with this order, they may move an application to recall the same.

03.08.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No