

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3858 of 2022 (O&M)****Date of Decision: 08.11.2023**

Rekha and Others

... Petitioner(s)

Versus

Manish Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: None for the petitioner(s).

Mr. Hardeep Singh Dhillon, Advocate
for the respondents.**Anil Kshetarpal, J.****C M-11825-CII-2022**

1. In view of the prayer made in the application, which is supported by an affidavit, the same is allowed, subject to all the just exceptions. The proposed legal representatives, named in para 3 of the application, are the Class-I heirs of petitioner No.4-Jaithu Ram, who is stated to have died on 22.04.2022. They are permitted to be brought on record as the legal heirs of the petitioner No.4-Jaithu Ram, for the purpose of prosecuting the present revision petition.

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2. The petitioners are the widow, minor children and the parents of late Sh. Amarinder Pal, who died in a motor vehicular accident. The claimants filed a petition in the Tribunal under Section 166 and 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the 1988 Act”) for the

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grant of compensation due to the death of their bread earner. By way of the impugned order, the Tribunal has refused to grant further opportunity to the claimants to conclude their evidence.

3. It has been submitted that Sh.Vijay Raj, Advocate, the learned counsel representing the claimants. He undertook to inform the petitioner as and when their presence is required. It is further submitted that the claimants came to know about the closure of the evidence only on 02.09.2022. It has been further submitted that father of the deceased, namely Jaithu Ram, who is one of the claimants, is also one of the eye witness to the aforesaid accident.

4. A perusal of the paper-book shows that the issues were framed on 12.10.2021. Thereafter, the case was adjourned to 01.12.2021, however, on the given date, no witness at all on behalf of the claimants was present. The case was further adjourned to 08.02.2022. On that date also, no witness on behalf of the claimants was present before the Court. Similar was the position on the next date of hearing i.e. 29.04.2022. The hearing of the case was further adjourned to 27.07.2022. On that date, the work of the Court was suspended by the Bar. Thus, the case was adjourned to 10.08.2022 when the impugned order was passed.

5. In the cases of such nature, the Court is expected to give extra leverage particularly when the claimants have already lost their bread earner. The Presiding Officer of the Court is not expected to work in a mechanical manner. Some sort of indulgence is required to be extended to the claimants.

65. Keeping in view the aforesaid facts, the present revision petition is allowed. The impugned orders dated 10.08.2022 and 02.09.2022

are set aside. The Tribunal is directed to provide two more opportunities to the claimants to produce their evidence. The parties, through their learned counsel, are directed to appear before the Tribunal on 05.12.2023.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

November 08, 2023
“DK”

(Anil Kshetarpal)
Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No