

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

133

CR-4837-2023

Date of Decision : 23.08.2023

Anju and others

.....Petitioners

Versus

Mahesh Kumar Gilhotra and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Dheeraj Narula, Advocate for the petitioners.

NAMIT KUMAR, J. (ORAL)

1. The instant revision petition has been preferred by the petitioners/claimants impugning the order dated 10.08.2023 (Annexure P-10) passed by learned Motor Accident Claims Tribunal, Fatehabad (for short 'the Tribunal') whereby their evidence has been closed.

2. Learned counsel for the petitioners/claimants submits that although the petitioners/claimants have availed six opportunities, however, they could not conclude their evidence and seek one last opportunity for concluding their evidence. He submits that the petitioners would conclude the evidence by examining Sunil Kumar s/o Ramphal r/o Village Jandli Khurd, District Fatehabad, who is the maker of the FIR; ASI Sandeep, Investigating Officer of the present case and Smt. Anju wd/o Anil Kumar (deceased). He submits that great prejudice would be caused if the petitioners/claimants are not allowed to lead their evidence. He further submits that the case is now fixed for hearing on 25.08.2023 before the Tribunal and the petitioners/claimants

would conclude their evidence on the subsequent date of hearing to be granted by the Tribunal.

3. I have heard learned counsel for the petitioners and perused the record.

4. Keeping in view the facts and circumstance of the present case especially the fact that the petitioners/claimants are the legal heirs of deceased Sh. Anil Kumar, who died in an accident on 28.07.2021, the instant revision petition is allowed and one last opportunity is granted to the petitioners/claimants to conclude their evidence on the future date of hearing i.e. after 25.08.2023 to be granted by the trial Court. Consequently, the impugned order dated 10.08.2023 is modified to that extent.

5. Given the nature and facts of this case, this Court is not inclined to issue notice to the respondent to avoid unnecessary expenditure which he will incur for his appearance and to engage a counsel.

6. Needless to say that the respondents would be at liberty for recalling of this order by moving an appropriate application, if so aggrieved.

7. A copy of this order be sent to the Trial Court for information and necessary compliance.

23.08.2023

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No