

CR-2899-2021**Date of decision 14.02.2023****MAYA DEVI****....Petitioner(s)****V/S****SABBIR KHAN AND ORS****....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Kartik Gupta, Advocate
for the petitioner.********

This revision petition has been filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 30.09.2021 (Annexure P-5) passed by the learned Motor Accidents Claims Tribunal, Gurugram whereby evidence of the petitioner/claimant has been closed by order.

It is submitted that on 30.09.2021, an adjournment was sought by the counsel for claimant on account of the fact that the petitioner, who is more than 60 years of age was suffering from high viral fever and was not in the condition to appear before the Court and get her statement recorded. Moreover, only on two occasions request has been made by the petitioner to conclude her entire evidence. This aspect of the matter has been totally ignored, while passing the impugned order.

As per office report, respondents No.1 to 3 stand served, whereas, respondent No.4 could not be served for want of correct address. However, in view of the nature of case and circumstances service upon respondent No.4 is dispensed with at this stage, as it will cause further delay in the disposal of the claim petition.

Accordingly, keeping in view the above facts as convassed by learned counsel for the petitioner, this petition is allowed and impugned order dated 30.09.2021 is set aside. The Tribunal is directed to grant one effective opportunity to the petitioner to complete her evidence.

This petition stands allowed.

**(NIDHI GUPTA)
JUDGE****14.02.2023****M.Sikka**

Whether speaking/reasoned: Yes/No

Whether reportable:

Yes/No