

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CR 4579 – 2022 (O&M)
Date of decision : 20.1.2023
...
M/s Gujrat Punjab Roadways
.....Petitioner

vs.

Reshmi Kumari and others
.....Respondents

2) CR 216 – 2023 (O&M)
...
M/s Gujrat Punjab Roadways
.....Petitioner

vs.

Reshmi Kumari and others
.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

A claim petition was filed by claimant Reshmi Kumari against M/s Gujrat Punjab Roadways and others, on the averments that one Munna Kumar, had died in a road accident caused due to rash and negligent driving of truck No. PB-10-GY-8682, belonging to the petitioner. However, since the claimant was not aware of the name of the driver of the vehicle, she had moved an application before the Tribunal for issuance of a direction to respondent no.1, who is the revision petitioner before this Court, to disclose the name of the driver. Respondent No.1 took up the stand that the truck in question was not involved in the accident therefore, there is no occasion for disclosing the name of the driver. That application was accepted by

the Tribunal, Ludhiana, vide order dated 2.9.2022 and a direction was issued to respondent no.1 to disclose the name of the driver. Since such name was not disclosed, the Tribunal vide order dated 24.11.2022, had struck off the defence of respondent No.1.

Respondent No.1 in the claim petition, feeling aggrieved by the order dated 2.9.2022 and order dated 24.11.2022, has approached this Court by way of filing two separate revision petitions.

However, during the course of arguments, learned counsel for the revision petitioner states that without admitting the involvement of truck in question in the accident, the revision petitioner is ready to disclose the name of the driver who had been normally driving that truck.

Accordingly, the revision petition is disposed of with the observations that the petitioner which is respondent no.1 in the claim petition would disclose the name of the driver on the truck before the Tribunal in writing, within 15 days from today and then the Tribunal may proceed further with the matter in accordance with law.

Accordingly, the order dated 24.11.2022, striking off defence of respondent No.1, is set aside on respondent no.1 disclosing the name of the driver, as detailed above. It would be permitted to contest the claim petition.

Both the petitions are disposed of accordingly.

20.1.2023
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No