

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-7169-2023.

Date of Decision: 30.11.2023.

Ishita Raj and another

....Petitioners.

Versus

Smt. Ram Devi and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Krishan Kumar Thakur, Advocate for petitioners.

Lalit Batra, J.(Oral)

This civil revision petition under Article 227 of the Constitution of India has been filed by petitioners (respondents No.1 and 2 in the claim petition), impugning the legality of order dated 25.10.2013 (Annexure P-7), rendered by learned Motor Accident Claims Tribunal, Chandigarh (for short, 'Tribunal'), in MACP No.883 of 2022, in terms of which, on account of non-filing of written statement despite availing several opportunities, defence of petitioners was struck off.

2. Learned counsel for petitioners *inter alia* contends that though four (04) effective opportunities were availed by petitioners to file written statement but on the date fixed i.e. 25.10.2023, requisite compliance could not be made solely for the reason that both the petitioners are residents of distant places i.e. Lucknow and Dehradun and further the fact that petitioner No.2-

Ramesh Singh Saini, father-in-law of petitioner No.1-Ishita Raj, is suffering from cancer and he is taking regular treatment for the said ailment. He further submits that written statement on behalf of respondent No.3-Insurance Company has already been filed and after framing of issues on 25.10.2023, the claim petition has been adjourned to 07.03.2024 by the Tribunal for evidence of claimants. He further submits that as petitioners are residents of distant places from Chandigarh, where the claim petition is pending adjudication, one more effective opportunity may be given to them to file their written statement so that above said claim petition may be disposed of effectively and properly.

3. I have heard learned counsel for petitioners and have also gone through the contents of petition especially the documents placed on the record.

4. Notice of instant petition is not required to be given to respondents as entire documents i.e. copies of miscellaneous orders passed by the Tribunal are already on record. In order to avoid further delay in the litigation and unnecessary litigation expenditure, the service of notice to respondents is dispensed with.

5. Keeping in view basic principle of law that everyone has right of hearing and, thus, no one should be condemned unheard, in this scenario petitioners (respondents No.1 and 2 in the claim petition) should not have been deprived of their legal right to defend their cause. Since written statement is a basic document to substantiate the cause of a particular litigating party, petitioners should be permitted to file written statement. Resultantly, impugned order dated 25.10.2023 is set aside. However, it is made clear that

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learned Tribunal would grant only one effective opportunity to petitioners to file written statement and the said opportunity would only be available to petitioners, subject to deposit of costs of Rs.5000/- (Rupees Five Thousand only) by them favouring District Legal Services Authority, U.T., Chandigarh. Petitioners are required to furnish their written statement well before the date fixed before the Tribunal.

In these terms, instant civil revision is allowed accordingly.

(LALIT BATRA)
JUDGE

30.11.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No