

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CR-7713-2023 (O&M)
Date of Decision: 20.12.2023

Manoj Kumar

....Petitioner.

Versus

Jaswinder Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Raj Kumar Rana, Advocate for the petitioner.

Lalit Batra, J.(Oral)

This civil revision petition under Article 227 of the Constitution of India has been filed by petitioner/claimant impugning the legality of order dated 21.07.2023, rendered by learned Motor Accident Claims Tribunal, Ambala (for short 'the Tribunal'), vide which evidence of the petitioner/claimant was closed by Court order.

2. Learned counsel for petitioner/claimant has produced copies of miscellaneous orders passed by learned Tribunal, which are taken on the record.

3. Learned counsel for petitioner/claimant *inter alia* contended that petitioner/claimant has filed Claim Petition bearing No.MACP/158/2021, seeking compensation of Rs.20 Lakhs alongwith interest @ 18% per annum,

on account of injuries sustained by him in a motor vehicular accident. In the said petition, respondents appeared and filed their respective written statements. On 16.12.2021, issues were framed and though the matter was referred to National Lok Adalat, but no compromise was arrived at between the parties. On 21.03.2023, examination-in-chief of petitioner/claimant-Manoj Kumar (PW-1) was recorded but his cross-examination was deferred on the request of learned counsel for respondents and the case was adjourned to 16.05.2023. Since no witness of petitioner/claimant had put in appearance in Court on 16.05.2023 and 21.07.2023, learned Tribunal closed the evidence by Court order. Petitioner/claimant could not appear in Court on 16.05.2023 due to some unavoidable circumstances and though the case was adjourned to 21.07.2023 but he had noted down the next date of hearing '21.08.2023' instead of '21.07.2023' and as such he could not appear in Court on the date fixed. Absence of petitioner/claimant in the Court was not intentional or wilful but for the reasons stated above. Petitioner/claimant has claimed compensation on account of multiple injuries sustained by him in a motor vehicular accident and he has already incurred huge amount on his treatment and in case one more effective opportunity is not provided to the petitioner/claimant to conclude his evidence, he would suffer irreparable loss which cannot be compensated in any manner.

4. I have heard learned counsel for petitioner/claimant and have also gone through the contents of petition especially the documents placed on the record.

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

6. A bare perusal of miscellaneous orders passed by learned Tribunal reveals that though petitioner/claimant had availed as many as eight (08) effective opportunities to conclude his evidence, but a fact cannot be lost the sight that even at the initial stage, an effort was made at the instance of petitioner/claimant to reach an amicable settlement with the good offices of National Lok Adalat, but to his utter despair, no amicable settlement could be arrived at. It will not be out of place to mention here that on 21.03.2023 though petitioner/claimant (PW-1 Manoj Kumar) had put in appearance in Court and his examination-in-chief was recorded, but on account of request made by learned counsel for respondents, cross-examination of petitioner/claimant was deferred and vide impugned order dated 21.07.2023, evidence of petitioner/claimant was closed by Court order. At this juncture, it is relevant to point out here that the Motor Vehicles Act, 1988, is a benevolent social legislation insofar as the protection of interests of victims of motor accidents is concerned and in case the petitioner/claimant is not afforded one more effective opportunity to conclude his evidence, it would cause irreparable loss to him as he has already incurred huge amount on his treatment and suffered mental agony and pain as well. In this scenario, impugned order dated 21.07.2023, in terms of which, evidence of petitioner/claimant was closed by

Court order, is set aside and resultantly, petitioner/claimant is afforded one more effective opportunity to conclude his evidence before the learned Tribunal.

- 7. In these terms, instant petition is allowed.
- 8. Pending application(s), if any, also stands disposed of.

(LALIT BATRA)
JUDGE

20.12.2023
d.gulati/jitender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No