



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CR-3218-2024 (O&M)
Date of decision: 02.07.2024

Sushila

...Petitioner

Versus

Go Digit General Insurance Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Namit Sharma, Advocate for the petitioner.

VIKAS SURI, J.

1. The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 17.07.2023 (Annexure P-2), passed by learned Motor Accidents Claims Tribunal (for short 'the Tribunal'), whereby the claim petition was dismissed for want of prosecution against respondent No.3-Go Digit General Insurance Ltd.

2. Brief facts, sans unnecessary details, relevant for adjudication of the present revision petition are that the revision petitioner had suffered injuries in a motor vehicle accident on 29.08.2020 and had filed a claim petition in that regard before the Tribunal.

3. The Tribunal vide order dated 17.07.2023 dismissed the said claim petition for want of prosecution against respondent No.3-Go Digit General Insurance Ltd.



4. The revision petitioner-claimant aggrieved by the aforesaid impugned order has invoked jurisdiction of this Court by way of the present revision petition.

5. Heard learned counsel for the petitioner and with his able assistance perused the record.

6. Learned counsel for the petitioner has contended that the Tribunal has dismissed the claim petition in a mechanical manner only on the ground that the costs of Rs.200/- had neither been paid nor the process fee had been filed despite the fact that last opportunity was granted. He has further contended that negligence in filing the process fee was on the part of the counsel and not that of the petitioner, rather the petitioner was willing and ready to pay the same and had sought *dasti* process of the summons. He has further argued that the impugned order passed by the Tribunal is arbitrary, cryptic and without application of mind. In case the impugned order is not set aside, the same would cause irreparable loss to the petitioner. He prays that one effective opportunity may be granted to him for payment of costs as well as depositing the process fee for issuance of notice for effecting service upon respondent No.3-Go Digit General Insurance Ltd. It is further urged that similar orders were passed by the Tribunal in a connected claim petition arising from the same accident which were challenged before this Court and vide order dated 27.05.2024 passed in CR-3248-2024, one effective opportunity was granted subject to payment of costs.

7. From the perusal of the impugned order, it transpires that neither the costs were paid nor the process fee was filed despite the fact



that last opportunity had been granted for the said purpose. Therefore, the Tribunal had dismissed the claim petition for want of prosecution against respondent No.3- Go Digit General Insurance Ltd.

8. Keeping in view the totality of the facts and circumstances noticed hereinabove, I deem it appropriate that ends of justice would be secured if the Tribunal is directed to grant one effective opportunity to the petitioner to pay the costs as well as to deposit the process fee for getting the service effected upon respondent No.3, subject to payment of further costs of Rs.5000/- to be paid to ‘Poor Patient Welfare Fund’, PGIMER, Chandigarh, (<https://pgimer.edu.in/>). The petitioner would be at liberty to apply for *dasti* process to serve respondent No.3.

9. Accordingly, the impugned order dated 17.07.2023 (Annexure P-2) is set aside and the revision petition is allowed in the aforesaid terms.

July 02, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No