



CR-3248-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-3248-2024 (O&M)
Date of decision:27.05.2024

Jagdish

... Petitioner

Vs.

Go Digit General Insurance Ltd. & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed for setting aside the order dated 17.07.2023 (Annexure P-2) passed by the Motor Accident Claims Tribunal, Sonapat (hereinafter to be referred to as 'the Tribunal') dismissing the petition for want of prosecution, against contesting respondent No.3 in the claim petition.

2. Brief facts, material for adjudication of the present revision petition are that the revision petitioner/claimant filed a claim petition before the Tribunal on account of injuries suffered by him in an motor vehicular accident that took place on 29.08.2020.

3. The Tribunal vide order dated 17.07.2023 dismissed the said claim petition for want of prosecution against contesting respondent No.3 - Go Digit General Insurance Limited. Aggrieved against the same, the revision petitioner/claimant has knocked the the doors of this Court by



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way of filing of the present revision petition.

3. Learned counsel for the petitioner has contended that the trial Court has dismissed the petition in a mechanical manner only on the ground that the cost of Rs.200/- had neither been paid nor the process fee had been filed, despite the fact that it was the last opportunity. He has further contended the negligence in filing the process fee was on the part of the counsel and not on the part of the petitioner. Rather the petitioner was willing and ready to pay the same and took the *dasti* process of the summons. He has argued that the impugned order passed by the trial Court is arbitrary, cryptic and without application of mind and would cause irreparable loss the petitioner, in case the impugned order is not set aside. He has submitted that one effective opportunity may be given to him for filing of cost as well as depositing of process fee for getting the service effected upon respondent No.3/Go Digit General Insurance Ltd.

4. I have heard learned counsel for the petitioner at length and have perused the record.

5. From the perusal of the impugned order, it transpires that neither the cost 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.

6. Though there is no infirmity in the impugned order yet, it would be appropriate and in the interest of justice, if the Tribunal is directed to grant one effective opportunity to the petitioner to pay the



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costs as well as to deposit process fee for getting the service effected upon respondent No.3, subject to payment of cost of Rs.5,000/- to be paid to the Poor Patients' Welfare Fund of the PGIMER, Chandigarh. The Tribunal will assist the petitioner by issuing the summons to respondent No.3, but it will be at the own responsibility of the petitioner to get the service effected upon respondent No.3/Go Digit General Insurance Limited. Therefore, the impugned order dated 17.07.2023 (Annexure P-2) is set aside and the revision petition is allowed in the aforesaid terms.

7. Pending application(s), if any, shall also stand disposed of.

**(SUKHVINDER KAUR)
JUDGE**

27.05.2024
harjeet

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |