



CR-3227-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-3227-2024 (O&M)
Date of decision:30.05.2024

Jasbir Singh & others

... Petitioners

Vs.

Davinder Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Bikram Chaudhary, Advocate for the petitioners.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed by the claimants/petitioners against the order dated 25.04.2024 (Annexure P-4) passed by the Motor Accident Claims Tribunal, Chandigarh, (hereinafter to be referred to as 'the Tribunal'), whereby evidence of the claimants/petitioners has been closed by order in MACP No.270/2021 titled as 'Jasbir Singh & others Vs. Davinder Singh & others'.

2. Brief facts which are material for adjudication of the present revision petition are that the revision petitioners/claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal on account of death of Sarabjit Kaur.

3. During the pendency of the claim petition, issues were framed on 13.05.2022. Thereafter, the matter was adjourned to 12.07.2022 for claimants' evidence, on which date, no witness was present and case was

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again adjourned at the request of counsel for the claimants. Thereafter, case was adjourned to 17.08.2022, 23.09.2022 and 26.09.2022. Then on 28.10.2022, evidence of PW1 Jasbir Singh was recorded and matter was adjourned to 29.11.2022 for evidence of the remaining PWs. On 21.04.2023, the matter was put up before the Pre-Lok Adalat but no compromise was effected between the parties and the matter was again adjourned to 18.05.2023. The matter was repeatedly adjourned to 15.09.2023, 05.02.2023 and 25.04.2024. When the petitioners failed to conclude their evidence, their evidence was closed by the Tribunal by order vide the impugned order dated 25.04.2024. Hence, aggrieved against the said order, the revision petitioners/claimants have knocked the doors of this Court.

4. Learned counsel for the petitioners has contended that the Tribunal has acted with material irregularity and illegality in exercise of the jurisdiction while passing the impugned order. He has further contended that the petitioners want to examine only one eye witness who was present at the time of the accident and the evidence of the said witness is very important and vital for conclusion of the trial. He has submitted that in case the petitioners are not granted an opportunity to lead their evidence, then the same would cause irreparable loss to them and therefore, they seek indulgence of this Court for grant of one effective opportunity to lead their entire evidence.

5. I have heard learned counsel for the petitioners at length and



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have perused the pleadings on record

6. Perusal of the impugned order reveals that the petitioners have neither filed any list of witnesses nor deposited any witness expenses. It has been further mentioned therein that inspite of availing ten effective opportunities for concluding their evidence, the petitioners failed to conclude their evidence and then it was closed by the Tribunal vide the impugned order dated 25.04.2024 (Annexure P-4).

7. Keeping in view that it is a claim petition that has been filed by the claimants on account of accidental death of Sarabjit Kaur, it will be appropriate and in the interest of justice, if one effective opportunity is given to the petitioners to conclude their entire evidence. Therefore, the impugned order is set aside. The trial Court is directed to grant one effective opportunity to the petitioners to conclude their entire evidence at their own responsibility subject to payment of costs of Rs.4,000/- to be paid to Poor Patients Welfare Fund, PGIMER, Chandigarh.

8. Revision petition is allowed in the aforesaid terms.

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

**(SUKHVINDER KAUR)
JUDGE**

30.05.2024
harjeet

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