



CR-4907 of 2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CR-4907 of 2024 (O&M)
Decided on: 29.08.2024**

Pardeep and another

...Petitioners

Versus

Kartik Sharma and another

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Sahil Garg, Advocate
for the petitioners.

RITU TAGORE, J.

1. This revision is directed against the order dated 13.08.2024 (Annexure P-1) passed in MACP/112/2023 titled as 'Kartik Sharma Vs. Pardeep and others' vide which evidence of the present petitioners- (respondents before learned Tribunal), has been closed by the Court order.

2. Learned counsel for the petitioners submits that respondent No.1 instituted a claim petition No.MACP/112/2023 before learned MACT Panchkula, under Section 166 of Motor Vehicles Act, 1988 (as amended up to date) for grant of compensation on account of the injuries suffered by him in a road side accident on 24.03.2023 against the petitioners and respondent No.2. It is stated that on being put to notice, the petitioners and respondent



No.2 appeared in the said claim petition. On completion of the pleadings, learned Tribunal framed the issues. Respondent No.1/claimant closed his evidence on 20.05.2024 and matter was adjourned for the evidence of the petitioners and respondent No.2. Respondent No.2 closed his evidence on 02.08.2024 and thereafter on the request of the petitioners, the case was adjourned to 13.08.2024 for their evidence on deposit of costs of Rs.500/- with District Legal Service Authority, Panchkula.

3. Learned counsel submits that on 13.08.2024 a request for adjournment was made on the ground that petitioner No.1 (driver) was out of station and was stranded in Maharashtra, as such, relevant documents of the vehicle in question, including the driving licence of petitioner No.1 was with him. Learned counsel contends that the learned Tribunal closed the evidence in arbitrary manner without considering the genuine request of the petitioners.

4. It is stated that impugned order has harshly affected the petitioners and have prevented them from leading their evidence, causing serious prejudice to their rights in the petition. The learned counsel urges that the petitioners be given one opportunity to lead their evidence, and they shall conclude the same. On the above submissions, a prayer is made to allow the petition.

5. I have heard learned counsel for the petitioners and have gone through the paper book.

6. Keeping in view the limited prayer made in this revision petition, I am of the considered view that issuing notice to respondents at this stage would, only further delay the proceedings before the learned



Tribunal and further keeping in view the order that is being passed, notice to the respondents is dispensed with at this stage.

7. It is a matter of record that MACT claim petition as mentioned above is pending before the learned MACT, Panchkula and the petition is now scheduled for 30.08.2024 for rebuttal evidence, if any and arguments, as evident from order dated 13.08.2024 (Annexure P-1). The aforesaid order further reveals that the present petitioners and respondent No.2, were given five opportunities, however, the petitioners failed to present their evidence.

8. Although, I find that the petitioners have been somewhat negligent in defending the litigation with due diligence, but still, it cannot be suggested that the delay has been caused by the petitioners for any malevolent reasons. It is well established that the learned Court should adopt a liberal approach and rights of the parties should be adjudicated on the merits of the controversy, rather, thwarting the same on rigid technicalities. Keeping that in view, it is also an established practice of law that the delay can always be atoned by imposing costs.

9. As such, in circumstances to do complete justice between the parties and the delay which has occasioned because of the non-production of the evidence on behalf of the petitioners, I believe that one effective opportunity be granted to the petitioners to present their evidence so as to enable them to put forth their stand before the learned Tribunal to the assertions and allegations as raised by them. Accordingly, impugned order dated 13.08.2024 (Annexure P-1) is set aside, subject to payment of Rs.15,000/- as costs payable by the petitioners to respondent No.1



(claimant), permitting the petitioners to conclude their evidence as indicated above at their own responsibility.

10. Petitioners are directed to appear before the learned Tribunal on the due date of hearing as fixed before it and shall present their evidence within a week as indicated above. The learned Tribunal shall provide one opportunity to petitioners by considering the convenience of the counsel for the parties and its own board.

11. It is made clear that in case of default, this order shall automatically stand vacated.

12. Respondent No.1 if not satisfied with this order, may move an appropriate application for recalling of this order within 30 days.

13. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

29.08.2024
Rimpal

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