

2024:PHHC:139371



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

127

CR-6156-2024 (O&M)

Date of decision: 23.10.2024

Sukhwinder Kaur and another

...Petitioners

Versus

Charanjit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Hardeep Singh, Advocate for the petitioners
(through video conferencing).

VIKAS SURI, J.

1. This revision petition under Article 227 of the Constitution of India has been filed by the legal representatives of driver of the offending vehicle assailing order dated 09.09.2024 (Annexure P-5) passed by learned Motor Accidents Claims Tribunal, Barnala, whereby their application for dismissal of the claim petition has been dismissed.

2. Learned counsel for the petitioners has contended that the petitioners were impleaded as a party respondent to the claim petition being the legal representatives of Jasvir Singh, who was driver of the offending vehicle. The claim petition had originally been filed against Jasvir Singh, who, during pendency of the proceedings before the Tribunal unfortunately passed away. Hence, the petitioners had moved an application before the Tribunal seeking dismissal of the claim petition. It was averred that there is not even an iota of evidence on record in the criminal case against the deceased Jasvir Singh qua the alleged accident, which has since abated against the accused Jasvir



Singh. It was further averred that no criminal complaint or FIR is pending against the deceased Jasvir Singh.

2.1 Upon notice of the application, the claimant-respondent filed reply thereto and opposed the same. After considering the contentions raised on behalf of both the parties, the said application was dismissed vide impugned order dated 09.09.2024, which has been assailed in the present petition.

3. After having heard learned counsel for the petitioners and on perusing the case file with his able assistance, I am of the considered opinion that the impugned order does not suffer from any illegality or perversity. The learned Tribunal has noticed that it is a matter of evidence whether the applicant-petitioners have inherited any estate from Jasvir Singh, and the claimant cannot be non-suited at the preliminary stage, on the ground that the criminal proceedings have since abated on the demise of Jasvir Singh.

4. Learned counsel for the petitioners has neither been able to show any material nor refer to any provision of law or judicial pronouncement to assail the impugned order.

5. Resultantly, the present petition being bereft of merit, is dismissed in *limine*.

October 23, 2024

sumit.k

(VIKAS SURI)
JUDGE

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