

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

2024:PHHC:167931



135

CR-7328-2024 (O&M)

Date of Decision: 16.12.2024

Charanjeet Kaur and others

...Petitioners.

Versus

Manoj Kumar and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Anil Kumar Spehia, Advocate for the petitioners.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioners have challenged order dated 19.11.2024 passed by learned Motor Accident Claims Tribunal, Jalandhar, vide which the evidence of the petitioners was closed by order of Tribunal.

2. The brief facts relevant for the adjudication of the present revision petition are that the petitioners have filed claim petition under Section 166 of Motor Vehicles Act, 1988 before learned Tribunal seeking compensation on account of vehicular accidental death of Surinder Singh.

3. Notice of the said claim petition was given to the respondents, who appeared and contested the proceedings. From the pleadings of the parties, issues were framed. Thereafter, the case was fixed for the evidence of the petitioners on 13.12.2023, 15.01.2024, 13.02.2024, 07.03.2024,

08.04.2024, 08.07.2024, 07.08.2024, 24.09.2024 and 19.11.2024. But petitioner No.1 only examined herself as CW1 and also examined Ashok Kumar as CW2, learned Tribunal closed the evidence of the petitioners vide impugned order dated 19.11.2024.

4. Aggrieved by the said order, the present revision petition has been filed by the petitioners before this Court.

5. Learned counsel for the petitioners has contended that although learned counsel for the petitioners tried to contact the petitioners but he failed to do so. Learned Tribunal erred in closing the evidence of the petitioners vide impugned order without considering the actual and factual position of the case that claim under the Motor Vehicles Act is a welfare legislation and a strict rule of Civil Procedure Code is not applicable in these cases. Therefore, Tribunal ought to have afforded at least one opportunity to the petitioners to conclude their evidence. He has contended that a fair and reasonable opportunity be provided to the petitioners for adducing their evidence.

6. I have heard learned counsel for the petitioners and have gone through the relevant record.

7. Though there is no infirmity in the impugned order, yet it will be appropriate and in the interest of justice, if one effective opportunity is afforded to the petitioners for adducing their evidence, otherwise, if this evidence is not produced then it will adversely effect the case of the petitioners. No purpose is likely to be served by serving notice of this petition to the respondents as it will result in unnecessary delay. Considering all these aspects, the impugned order is set aside, subject to

cost of Rs.2,500/-. The Tribunal is directed to grant one effective opportunity to the petitioners to conclude entire evidence at own responsibility, subject to payment of costs of Rs.2,500/- to the respondents.

8. Revision petition is allowed in the aforesaid terms.
9. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

16.12.2024.

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