

**(2010) 08 P&H CK 0429**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Revision No. 5085 of 2010

Satbir and Another

APPELLANT

Vs

Rajender Kumar

RESPONDENT

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**Date of Decision:** Aug. 13, 2010

**Hon'ble Judges:** Hemant Gupta, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

Hemant Gupta, J.

Challenge in the present revision petition is to the order passed by the learned Motor Accident Claims Tribunal (for short `the Tribunal") on 17.2.2010, whereby an application for setting aside the exparte award, was dismissed.

2. The respondent-claimant sought compensation on account of the injuries received in a motor vehicular accident by impleading the driver and the owner of the vehicle as respondents. The said respondents put in appearance, through their counsel, but failed to appear on 24.8.2007, when exparte proceedings were initiated against them. Subsequently, after recording exparte evidence, the Tribunal, announced its award on 26.4.2008, awarding a sum of Rs. 25,000/-. The application for setting aside the exparte o proceedings was filed on 26.9.2009, which has been declined by the learned Tribunal for the reason that the petitioners were appearing in person as well as through their Counsel during the course of trial and subsequently, neither the Counsel nor the petitioners have appeared.

3. It has been found that the application has been filed on the basis of concocted version and there is nothing on record that there was any fault of the Counsel as projected in the application. Consequently, the application was dismissed.

4. Detailed facts have been noticed by the Tribunal, pointing out the dates on which the petitioners appeared in person and the dates on which the petitioners appeared through their Counsel and subsequently abstained from proceedings. The conduct

of proceedings shows negligence in prosecuting the case by the present petitioners. Besides the compensation awarded by the learned Tribunal is meager i.e. Rs. 25,000/- and if at this stage, the exparte proceedings are allowed to be set aside, the respondent-claimant would incur more expenses than the amount of compensation awarded by the learned Tribunal.

5. Consequently, I do not find any patent illegality or irregularity in the impugned order passed by the learned Tribunal, which may warrant interference by this Court, in exercise of its revisional jurisdiction.

6. Hence, the present petition is dismissed.