

(1991) 07 MP CK 0036
In the Madhya Pradesh High Court
Case No : C.R. No. 25 of 1991

Janpad Panchayat

APPELLANT

Vs

Shashikala Vatsa and Others

RESPONDENT

Date of Decision : 04-07-1991

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 9 Rule 7

Citation : (1992) 37 MPLJ 249 : (1992) MPLJ 249

Hon'ble Judges : R.C. Lahoti, J

Bench : Single Bench

Advocate : G.K. Pandey, for the Appellant; R.A. Roman, for Respondent Nos. 1, 3 and 4 and V.K. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

R.C. Lahoti, J.

The revision is directed against the order rejecting an application under Order 9, Rule 7, CPC preferred by alleged owner of the vehicle in claim proceedings before Motor Accident Claims Tribunal.

The cause for absence assigned by the petitioner in its application has been found by the Tribunal to be prima facie unsustainable from the record. The application states that defendant No. 1 was sick without stating the name of the disease and the period of sickness. Moreover, defendant No. 1 was an institution, namely Janpad Panchayat, who could not have fallen sick. The affidavit of one V. K. Parashar, Cooperative Extension Officer filed in support of the application, states that the Chief Executive Officer of Janpad Panchayat was sick. But, no reason has been assigned as to why the affidavit of the Chief Executive Officer himself was not filed. The finding of fact recorded by the Tribunal is well reasoned and based on material and hence not open to interference in revision.

The petitioner is still at liberty to take part in the subsequent proceedings. The insurance Company has filed a written statement contesting the case on all

counts and the petitioner can take part at the subsequent proceedings contesting the claim petition on the same lines which have already been taken by the insurer.

For the foregoing reasons, the revision is held to be without any merit and is dismissed though without any order as to the costs. The parties through their respective counsel are directed to appear before the Tribunal on 29-7-1991 before which date the office shall see that the records reach there along with a copy of the order.