

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 30th October, 2012

+ **CM (M) 1176/2012**

MANJEET

..... Petitioner

Through: Ms. Monica, Advocate for
Mr. S.N. Parashar, Advocate.

versus

ICICI LOMBARD INSURANCE CO. LTD. & ORS..... Respondents

Through: Ms. Suman Bagga, Advocate

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. Issue Notice.
2. Ms. Suman Bagga, learned counsel, accepts notice on behalf of the Respondent/Insurance Company.
3. A claim petition under Section 168 of the Motor Vehicles Act was preferred by the petitioner for having suffered injuries in a motor vehicle accident which occurred on 20.12.2008.
4. During his evidence, the petitioner examined one Ms. Lakshita (PW-2) from M/s. Endolite India Private Limited (M/s. Endolite) to prove the cost of the prosthesis required by the petitioner, as it was a case of amputation of one of his legs. PW-2 (Lakshita) was unable to produce the record pertaining to the examination of the petitioner on the ground

that some renovation work was going on in the office and the record was misplaced. The Petitioner, therefore, had to examine the witness again from M/s Endolite and he sought permission to produce the earlier said witness from M/s Endolite. The application moved by the petitioner to re-examine Ms. Lakshita or any other witness from M/s. Endolite was dismissed without any reasonable ground.

5. The Petitioner is, therefore permitted to re-examine Ms. Lakshita or to produce any other witness from M/s. Endolite to prove the cost of the artificial limb/prosthesis.
6. The Petition is allowed in above terms.
7. The parties are directed to appear before the Claims Tribunal on 19th November, 2012.
8. Dasti to the parties.

(G.P. MITTAL)
JUDGE

OCTOBER 30, 2012

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