

IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CMPMO No. 400 of 2026

Decided on: 25.8.2026

National Insurance Co. through Legal Officer

... Petitioner

Versus

Prem Singh & others

...Respondents

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

For the Petitioner: Mr. Jia Lal, Advocate vice Ms.
Rajvinder Sandhu, Advocate.

For the Respondents : None for respondent No. 1.

Mr. Mukesh Sharma,
Advocate, for respondents No.
2(i) and 2(ii).

Virender Singh, Judge (oral)

The present petition has been filed under Article 227 of the Constitution of India, against the order dated 21.7.2026, passed by the learned Motor Claims Tribunal, Shimla (hereinafter referred to as 'the Tribunal'), in MACP No. 54 of 2021, titled as, 'Prem Singh vs. Usha Chauhan & others'. Vide order dated 21.7.2026, evidence of the petitioner has been ordered to be closed, by the order of Court.

2. Parties to the lis are, hereinafter referred to, in the same manner, in which, they were referred to, by the learned Tribunal.

3. The claimant has filed the claim petition, under Section 166 of the Motor Vehicles Act (hereinafter referred to as, 'the M.V. Act'), against the respondents, being owner, driver and Insurance Company of the vehicle bearing registration No. HP-01-A-5963.

4. By way of present petition, order dated 21.7.2026 has been assailed, by virtue of which, evidence of respondent No. 3, was ordered to be closed.

5. In view of no objection made by learned counsel for the owner and driver of the aforesaid vehicle (respondents No. 2(i) and 2(ii)), the impugned order dated 21.7.2026 is set aside. Respondent-Insurance Company is directed to examine their witnesses, Dr. V.S. Jamwal, Retired Assistant Director, FSL Department and Mr. Dalip Kumar, Record Keeper, pertaining to the record of FSL report No. 3362 SFSL CHEM (1441) 2020, dated 15.10.2020, by taking steps for summoning the

said witnesses, within a period of 10 days, from the date of appearance, before the learned Tribunal.

6. In the eventuality of taking steps, the learned Tribunal is requested to issue notices to the aforesaid witnesses, for the date to be fixed, by the learned Tribunal.

7. In case they fail to put appearance, despite service, the learned Tribunal, in order to secure their presence, would be at liberty to take coercive steps.

8. With these observations, the present petition is disposed of, so also the pending application(s), if any.

9. Parties to the lis, through their counsel, are directed to appear before the learned Tribunal on 8.9.2026.

(Virender Singh)
Judge

25.8.2026
Kalpana