

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.668 of 2025

Decided on: 30.06.2026

Ram Krishan & another

....Petitioners

Versus

Rita Devi & others

...Respondents

Coram

Hon'ble Mr. Justice Romesh Verma, Judge

Whether approved for reporting?

For the petitioners: Mr. Varun Rana and Mr.Suneet Verma,
Advocates.

For the respondents: None for respondents No.1 and 2.

Mr. B.M.Chauhan, Senior Advocate with
Mr. Amit Himalvi, Advocate, for
respondent No.3.

Romesh Verma, Judge (Oral)

The instant petition arises out of impugned order, as passed by learned Motor Accidents Claims Tribunal, Sundernagar, District Mandi, H.P. (for short, "the Tribunal") dated 20.08.2025, whereby the applications filed by the present petitioners came to be dismissed.

2. The present petitioners had filed two applications, whereby the right to re-examine PW-3 was denied by the learned Tribunal and simultaneously, an application under Order 16 Rule 1(3) read with Section 151 of CPC for allowing the petitioners to produce the additional witness was rejected.

3. While arguing the matter, learned counsel for the petitioners made a statement before this Court on 03.12.2025, in the following manner:

“By way of the present petition, the challenge has been made to order dated 18.07.2025, whereby right to re-examine PW-2 has been denied.

Besides the aforesaid, challenge has been made to order dated 20.08.2025, whereby, two applications have been dismissed. One, whereby right to re-examine PW-3 has been denied and vide the same order, an application U/O 16 Rule 1 (3) read with Section 151 CPC for allowing the present petitioner to produce additional witness has been denied.

Learned Counsel is only pressing the petition with respect to the impugned order dated 20.08.2025, whereby the application U/O 16 Rule 1 (3) read with Section 151 CPC permitting the petitioner to produce additional witnesses has been denied.

Insofar as the other two claims raised by the petitioner are concerned (detailed here-in-above), the same stands given up. In view there of, the present petition is not pressed with respect to the same.

On taking steps within three days, issue notice to the respondent, returnable within four weeks.”

4. The present petitioners have assailed the impugned order, as passed by learned Tribunal, whereby the prayer of the present petitioners to produce additional witness has been denied.

5. Briefs facts as emerge in the present case are that the petitioners/claimants had instituted Claim Petition under Section 166 of Motor Vehicles Act, 1988, for the award of compensation on account of death of Shri Vikesh Thakur. The learned Tribunal, after taking into consideration the pleadings of the parties, framed the necessary issues in the case and directed the respective parties to adduce evidence in support of their contentions. It has been admitted by the respective parties that three witnesses stood examined on behalf of the petitioners/claimants.

6. After examining these witnesses, the present petitioners filed application under Order 16 Rule 1(3) read with Section 151 of CPC for producing the additional witness. It has been stated in the application that petitioners have filed Form No.16 of Income Tax Act i.e. certificate under Section 203 of Income Tax Act containing the details of employment and salary of deceased Vikesh Thakur, at the relevant time, with the list of documents filed in the Court. It is the case of the petitioners that, in order to prove this document, they summoned the dealing Clerk from the office of ITO Mandi, H.P. as a witness along with the record, However, the record produced by the said witness did not include Form No.16 and the witness had orally informed the

counsel for the petitioners that this form is the record of the employer of the deceased, Adecco India Private Limited, 73/1, Summit B, Brigade Metropolis, Whitefield Main Road, Garudachar Palya Mahadev Bangalore-560048, Karnataka. It is further case of the petitioners in the application that, in order to prove the document, examination of the Manager Taxation of the said employer is necessary and desirable. Therefore, a prayer was made in the application that the Manager Taxation of Adecco India Private Limited, 73/1, Summit B, Brigade Metropolis, Whitefield Main Road, Garudachar Palya Mahadev, Bangalore, may kindly be summoned as a witness for the aforesaid purpose.

7. Admittedly, the respondents have not filed the reply to the said application.

8. Learned Tribunal vide impugned order dated 20.08.2025 declined the said prayer of the present petitioners.

9. Feeling dissatisfied against the impugned order, the claimants/petitioners have instituted the present petition under Article 227 of the Constitution of India.

10. It is contended by Mr. Suneet Verma, learned counsel for the petitioners that the impugned order as passed by learned Tribunal is erroneous and liable to be quashed and set aside. He would submit that the claimants/petitioners have been

able to make out a case for allowing the application under Order 16 Rule 1(3) read with Section 151 of CPC for producing the additional evidence in support of their contentions.

11. On the other hand, Mr. B.M. Chauhan, learned senior counsel, duly assisted by Mr. Amit Himalvi, Advocate, for respondent No.3 has defended the impugned order. He submits that the learned Tribunal has passed a well reasoned order and it does not call for any interference.

12. I have heard learned counsel for the parties and gone through the case file.

13. It is the precise case of the petitioners that the claim petition has been filed on account of death of Shri Vikesh Thakur and during the examination of the witnesses, the petitioners had summoned the dealing clerk from the office of ITO, Mandi. While recording the statement of said witness, the record produced by him did not include Form No.16 and the witness orally informed the counsel that this Form is the record of the employer of the deceased Adecco India Private Limited, 73/1, Summit B, Brigade Metropolis, Whitefield Main Road, Garudachar Palya Mahadev Bangalore. It is the case of the petitioners that, in order to prove the income of the deceased, the production of the additional witness is relevant and it goes to the root of the case.

14. It is contended by learned counsel for the petitioners that the Motor Vehicles Act is a welfare legislation and in the present case, the petitioners have been able to make out a case for allowing of the application. Even otherwise, no prejudice would be caused if the present petition is allowed. It has been further submitted that the petitioners being poor persons, were dependent upon late Shri Vikesh Thakur and have no independent source of income and in the event, the production of additional witness is declined, they will suffer huge and irreparable loss.

15. Keeping in view the averments as made in the application and in view of the fact that the evidence of the present petitioners has started and they have already examined the dealing clerk from the office of ITO, Mandi, who had informed the counsel about Form No.16 that the same pertains to the record of the employer, this Court is of the considered opinion that the production of additional witness is required in the attending facts and circumstances of the case in order to impart substantial justice. The claimants in order to prove the income of deceased is very much entitled to produce the aforesaid witness.

16. Consequently, without touching the merits of the main case, after accepting the present petition, the application as filed

by the present petitioners under Order 16 Rule 1(3) read with Section 151 of CPC for additional list of witness is allowed and the impugned order dated 20.08.2025 is quashed and set aside.

17. It is made clear that the indulgence has been shown by this Court as a last and final opportunity and the petitioners/claimants shall make an endeavour to examine the additional witness i.e. Manager Taxation, Adecco India Private Limited, 73/1, Summit B, Brigade Metropolis, Whitefield Main Road, Garudachar Palya Mahadev Bangalore and conclude the evidence of this witness in a time bound manner.

18. Pending application(s), if any, shall also stand disposed of.

(Romesh Verma)
Judge

June 30, 2026
(vt)