

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(247)

CR-1676-2015

Decided on: May 14, 2015.

Munshi

.... Petitioner

Versus

Mubarik and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Arjun Attri, Advocate,
for the petitioner.

Mr. Munish Goel, Advocate,
for respondent No.6.

M.M.S. BEDI, J (ORAL)

All the respondents are served but only respondent No.6 has opted to contest the petition filed by the petitioner under Article 227 of the Constitution of India, challenging the order dated 23.01.2015 passed by Motor Accident Claims Tribunal, Mewat whereby evidence of the petitioner-claimant has been closed and he has been denied an opportunity to prove the bills and receipts pertaining to the treatment of the injuries.

Learned counsel for respondent No.6 has contended that the petitioner-claimant had availed three effective opportunities to produce his evidence and on account of this casual approach adopted by him, the Tribunal has rightly dismissed the application for production of evidence regarding certain bills and receipts.

The petitioner had also moved an application dated 30.01.2015 Annexure P-1 for leading additional evidence by way of examination of complainant in the FIR, namely Sabbir, Record Keeper of Ekta Hospital

Badhshahpur and certified copies of challan and bills/receipts. Vide impugned order dated 20.02.2015 the said application had been dismissed being not maintainable.

After hearing learned counsel for the petitioner as well as learned counsel for respondent No.6, I am satisfied that the petitioner has been casual and negligent in production of evidence in time but in the interest of justice he deserves to be granted one opportunity to produce his evidence at his own responsibility.

The petition is allowed. The orders dated 30.01.2015 and 20.02.2015 are set aside and it is ordered that petitioner would be permitted to examine the eye witness, at whose instance the FIR has been registered, namely Sabbir, at his own responsibility on the date to be fixed by the Tribunal and would also be permitted to produce the relevant and authenticated challan, receipts and the record of the hospital. It will be open to the Tribunal to read the said documents, taking into consideration the authenticity, mode of proof, admissibility and relevance. It is made clear that in case the petitioner fails to produce the aforesaid evidence in accordance with law on the date fixed by the Tribunal, this petition will be deemed to have been dismissed. The entire exercise of production of evidence will be completed within a period of one month after the receipt of certified copy of this order.

(M.M.S. BEDI)
JUDGE

May 14, 2015
harsha