

112

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

**CR No.2113 of 2015**

**Date of decision: March 25, 2015**

New India Assurance Co. Ltd.

.....Petitioner

Versus

Urmila and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. Vinod Gupta, Advocate  
for the petitioner.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 25.02.2015.

Impugned order reads as under:-

*“RW3 Sahab Ram, ASI is present, examined, cross-examined and discharged. No other RW is present. Summon issued to RW dealing clerk, District Transport Office, Mansa received back with the report that he is already bound in the Court of Judicial Magistrate Ist Class, Abohar. Learned counsel for the respondents No.2 and 3 requested an adjournment. Perusal of file shows that petitioners have closed their evidence on 10.07.2014. Thereafter, respondents No.2 and 3 have availed 13 effective opportunities including last and final opportunity for their evidence. There is no ground to adjourn the case further for evidence of the respondents No.2 and 3. Hence, evidence of respondents No.2 and 3 is hereby closed. Now to come up on 05.03.2015 for rebuttal evidence if any and for arguments.”*

Learned counsel for the petitioner has submitted that

driver of the vehicle in question was proceeded *ex parte*. Owner of the vehicle in question had initially given driving licence of the driver-Pawan Kumar, which had been allegedly issued by District Transport Authority, Mansa. However, now the owner had handed over another driving licence of the driver-Pawan Kumar to the Company, which has been issued by the Licencing Authority, Nagaland. The said licence is required to be got verified from the said authority. Hence, learned counsel has submitted that petitioner-company be granted two effective opportunities to enable them to conclude their evidence, otherwise, petitioner-company will suffer an irreparable loss.

Keeping in view the submissions made by learned counsel for the petitioner-company, it would be just and expedient to grant two opportunities to the petitioner-company to enable it to conclude its evidence.

Accordingly, this petition is allowed. Impugned order dated 25.02.2015 is set aside. The tribunal is directed to grant two effective opportunities to the petitioner-company to enable it to conclude its evidence at its own risk and responsibility, subject to payment of ₹5,000/- as costs. Costs be deposited with the District Legal Services Authority, Hisar.

**(SABINA)  
JUDGE**

**March 25, 2015**

*m.singh*