

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

CR No.4315 of 2014 (O&M)
Date of decision: 21.7.2015

Tarlochan Singh and another

..... Petitioners

Versus

Mandeep Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sanjiv Gupta, Advocate, for the petitioners.

Mr. Harvinder Singh, Advocate, for respondents No.2.

RAJESH BINDAL, J

The petitioners, who are the driver and owner of the vehicle in question have filed the present petition impugning the order dated 1.7.2014 passed by the learned court below, whereby the application for recalling RW1-Sampuran Singh for further cross examination was dismissed.

Learned counsel for the petitioners submitted that as the statement earlier given by the witness runs contrary to the information received by the petitioners under the Right to Information Act, 2005 from the office of the District Transport Officer, Patiala, the witness is required to be re-summoned.

On the other hand, learned counsel for respondent No.2-Insurance Company submitted that as per the information received from the Regional Transport Officer, Kohima, Nagaland the genuineness of the licence was verified from the issuing authority the Joint Transport Commissioner and Secretary, RTA, Hyderabad. As per the information received from there, the driving licence had not been issued by the above authority. In case the original licence is fake, renewal will not validate the same. He further submitted that in case the petitioners are permitted to recall RW1-Sampuran Singh for further examination, the Insurance Company may also be

provided opportunity to lead further evidence regarding genuineness of the driving licence.

Learned counsel for the petitioners does not have any objection to the prayer made by counsel for respondent No.2 as well.

After hearing learned counsel for the parties and considering the fair stand taken by them, the petition is allowed. The petitioners are permitted to recall RW1-Sampuran Singh for further cross examination with reference to the driving licence held by petitioner No.2. The Insurance Company shall also be entitled to lead further evidence with reference to the driving licence held by petitioner No.2.

(RAJESH BINDAL)
JUDGE

21.7.2015

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