

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

(120)

CR No.4686 of 2015

Decided on: July 27, 2015.

Seema and others

.... Petitioners

Versus

Ravi Patni and others

..... Respondents

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

Present: Mr. K.K. Garg, Advocate,
for the petitioners.

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

The claimants are aggrieved by order dated 03.07.2015 closing the evidence of the claimants.

Learned counsel for the petitioners has drawn my attention to the impugned order passed by the Motor Accidents Claim Tribunal, Rohtak vide which cross-examination of PW-9 Amit Kumar a witness of petitioners themselves, has been declined.

Perusal of the proceedings dated 27.05.2015 indicates that the statement of said PW was recorded as per provisions of Order 18 Rule 4 CPC by way of tendering his affidavit Ex.PW9/A in his examination-in-chief. A request was made by the petitioners to the Tribunal to permit the cross-examination of the witness when he did not stick to his affidavit during cross-examination by respondents. As per provisions of Section 154 of the Indian Evidence Act, the Court in its discretion can permit a person to put question to his own witness. Once the said permission had been granted on 27.05.2015 and the Court had deferred the further cross-examination on the request of counsel for the petitioners, the witness should have been

bound for a particular date. In case no such direction had been passed, the application of the petitioners for recalling the witness deserve to be allowed, in view of such permission having been granted on oral request on 27.05.2015.

Learned counsel for the petitioners submits that petitioners want to examine MHC of concerned police station and his diet money has already been deposited. It has also been brought to my notice that the petitioners want to examine another witness, with whom the deceased was working in order to establish his income. Counsel is not aware whether any application had been filed by the petitioners mentioning the name of said witness.

Taking into consideration the facts and circumstances mentioned hereinabove, I am of the considered opinion that this petition should be decided in limine, in the interest of expeditious disposal of the claim petition and also to save the unnecessary expenditure to be incurred by the respondents.

This petition is allowed in limine. The impugned order Annexure P-2 closing the evidence of the petitioners, dated 03.07.2015, is hereby set aside. The petitioners are permitted to produce by summoning PW-9 Amit Kumar and MHC of the concerned police station for cross-examination/examination. In case, the petitioners produce any other witness at their own responsibility on the date fixed by the Court, the said witness may also be permitted to be examined. It is made clear that the petitioners will be granted two effective opportunities to produce their entire evidence. PW-9 Amit Kumar may be recalled by the Court as after having granted permission and not binding him for appearance while granting adjournment

at the request of counsel for the petitioners, he could have been examined at the request of the petitioners.

Since this petition has been disposed of in limine, it is ordered that in case the order is not acceptable to the respondents, it will be open to any of the respondents to approach this Court for review of the order. Since the next date of hearing before the trial Court is 28.07.2015, counsel for the petitioners will be entitled to download the order from the Net and produce the same before the Tribunal with his own attestation.

(M.M.S. BEDI)
JUDGE

July 27, 2015
harsha