

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

C.R. No. 6925 of 2013
Date of decision: 20.01.2015

Hassan Mohammad

....Petitioner(s)

Versus

Pawan and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Salim Ahmed, Advocate,
for the petitioner.

Mr. Chanderhas Yadav, Advocate,
for respondent no. 1.

G.S.SANDHAWALIA, J. (Oral)

As per office report, respondent no. 3-insurance company has been duly served but none has appeared on behalf of the same.

Challenge in the present revision petition is to the order dated 11.10.2013 (Annexure P-1) whereby, the evidence of the petitioner-claimant has been closed by order of the Motor Accident Claims Tribunal, Nuh.

A perusal of the order would go on to show that the Tribunal noticed that last opportunity was granted to the petitioner to conclude his evidence and no plausible reason had been shown to adjourn the case for the evidence of the claimant. The order also goes on to show that the claimant had tendered documents Exs. P-9 to P-23 and Mark C to Mark J and requested for an adjournment to examine the doctor to prove the disability certificate.

Counsel for the petitioner has argued that the issues were framed only on 23.08.2013 and within a period of less than 2 months, the evidence has been closed by the Tribunal and no adequate opportunity has been granted whereby, the right of the petitioner has been seriously

prejudiced.

Zimini orders would go on to show that the said argument is justified. The issues were framed on 23.08.2013 and on 06.09.2013, one witness was examined by the claimant and the case was adjourned to 13.09.2013. On account of no witness being present, last opportunity was granted by imposing costs of ₹100/- and the case was adjourned to 27.09.2013 on which date, the costs were paid but in the absence of any other witness, the case was fixed for 11.10.2013 on which date, the impugned order was passed.

Though the Tribunal is required to decide the issues at the earliest pertaining to the compensation arising out of the accidents which have occurred but the fact remains that an adequate opportunity is to be granted to the claimant to prove his case. The evidence which the petitioner is claiming is in the form of a medical expert who is to prove the disability certificate issued by him.

In such circumstances, closing of the evidence within a period of 2 months from the date the issues were framed cannot be held to be justified.

With the abovesaid observations, the present revision petition is allowed and order dated 11.10.2013 (Annexure P-1) is quashed. The Tribunal is directed to grant the adequate opportunity to the petitioner to prove his claim as per the petition filed by him.

20.01.2015
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(G.S. SANDHAWALIA)
JUDGE