

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8041 of 2014 (O&M)

Date of decision: March 12, 2015.

Kamla

... **Petitioner**

v.

Dinesh etc.

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Sanjiv Gupta, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Counsel for the petitioner, claimant in the petition before the Tribunal, urges that Dr. Gurdeep Singh and Dr. Lokesh Dhaliwal, listed at No.(i) and (ii) in the list of witnesses (Annexure P-2) with other witnesses were to be examined, for which even process fee and diet money had been filed after the application for summoning of these witnesses was allowed on 20.10.2014 but non-service of the witnesses, resulted in closure of the evidence vide order of 30.10.2014.

Claimants come to the Motor Accidents Claims Tribunals for seeking compensation for the injuries suffered by them or for the compensation for death of their livelihood earner in motor vehicular accidents. Such Tribunals are not required to follow the Code of Civil Procedure strictly and rather are fully competent to evolve their own procedure, since the nature of proceedings before the Tribunal, is an inquiry and not a trial.

It is not understood as to why the doctors were sought to be

examined, particularly when the record with regard to admission and treatment of the victim in the hospital is available with the Tribunal on the file.

Without going into this aspect any further, these two witnesses, who are sought to be examined by the claimant on the plea that these are important as the record is to be proved by them and without examining them, the claimant would be greatly prejudiced, setting aside the impugned order, the claimant is given liberty either to produce the relevant record on her own without examining these two witnesses or if so advised, may examine these two witnesses by effecting personal service dasti. They would be examined completely including their cross examination on the same day.

Disposed of.

March 12, 2015.
kadyan

[Dr. Bharat Bhushan Parsoon]
Judge