

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

CR No. 1601 of 2016

Date of decision :23.04.2016

Sukhbir Nath

..... Petitioner

Versus

Om Parkash and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.S.S.Chathrath, Advocate
for the petitioner.

Mr. Ajay Singla, Advocate
for the respondent no.2.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 16.02.2016 passed by the learned Motor Accident Claims Tribunal, Fatehabad, whereby the application filed by the petitioner (respondent no.1 in the claim petition) for leading the additional evidence has been dismissed.

2. Learned counsel for the petitioner contended that the respondent-Insurance Company has examined Amritpal Singh, Clerk, Office of District Transport Officer (for short 'D.T.O'), Mansa. But, he has only brought the computerized record and not the manual record. He contended that the

endorsement regarding renewal of the driving license of the petitioner is based on the manual record. He contended that one opportunity may be given to the petitioner to examine the concerned official of the office of D.T.O, Mansa to prove the renewal of the driving license of respondent no.1 from the manual record, which is essential for the just decision of the case.

3. On the other hand, learned counsel for the respondent-Insurance Company contended that it is evident from the statement of Amritpal Singh, Clerk, Office of D.T.O, Mansa that the endorsement Ex.R-5 relied upon by the petitioner is bogus and fabricated. Even the wrong names have been mentioned in the endorsement. He further contended that the service of the clerk, who has made this endorsement has already been terminated on 15.05.2015. He contended that the endorsement Ex.R-5 is bogus. So, the petitioner is not entitled for leading the additional evidence.

4. I have duly considered the aforesaid contentions.

5. This fact is not disputed that during the course of trial, the petitioner has produced in evidence the endorsement Ex.R-5 regarding renewal of his licence. The respondent-Insurance Company has examined Amritpal Singh, Clerk, office of D.T.O, Mansa who has deposed that the endorsement Ex.R-5 is bogus and the same is not as per their record. He has also deposed that on 11.11.2013, no fees was deposited

by the petitioner as per his record. Learned counsel for the petitioner has drawn my attention to Annexure P-6 photocopy of the print out of the transactions which shows that at sr. no. 25, the petitioner has deposited the fees of Rs. 80/- vide receipt no. 9113067452195 on 11.11.2013. RW-1 Amritpal Singh, Clerk, office of DTO, Mansa, has also stated in the cross-examination that he has not brought any manual record regarding entry mentioned at point 'A'. He has not specifically stated that their office does not maintain any manual record. In these circumstances, in my opinion, an opportunity should be granted to the petitioner to lead the additional evidence to prove the renewal of his driving license by summoning the manual record of the office of D.T.O, Mansa as the validity or invalidity/fakeness of the driving license is always very essential for the just decision on the question of liability to pay the compensation in the motor accident claim cases. If, this application is allowed, no prejudice is likely to be caused to the Insurance Company as the insurance company will also have a right to cross-examine the witness examined by the petitioner to test the veracity of the record to be produced by him and his deposition.

6. Thus, keeping in view of my aforesaid discussion, the present revision petition is hereby allowed. The petitioner is granted one opportunity to produce the concerned official of the office of D.T.O, Mansa along with manual record to prove

the renewal of his driving license subject to Rs. 5000/- as costs to be paid to the contesting respondent in the present revision petition i.e. Insurance Company. The petitioner shall take *dasti* summons to the office of D.T.O, Mansa for service of the concerned official and D.T.O, Mansa shall depute the concerned official to attend the Tribunal on the date so fixed by the learned Tribunal along with manual record regarding renewal of the driving license. If, no manual record was maintained in the office of D.T.O, Mansa on the relevant date for renewal of driving license, then the D.T.O, Mansa will send a certificate to the learned Tribunal to this effect and this order will be ineffective.

23.04.2016

S.khan

**(DARSHAN SINGH)
JUDGE**