

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

CR No.4275 of 2016(O&M)

Date of decision:15.7.2016

Reliance General Insurance Co. Ltd.Petitioner

VERSUS

Master Sahil and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sanjeev Kodan, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against orders dated 14.01.2016 (Annexure P-1) and dated 17.05.2016 (Annexure P-3) whereby evidence of the petitioner was closed and application for adducing additional evidence was dismissed respectively by the Motor Accident Claims Tribunal, Karnal (for brevity 'the Tribunal').

Counsel for the petitioner would contend that the petitioner verified licence (Ex.P3) of deceased - Yasin and the licence was found to be fake as per information received through RTI vide letter No.RTO-MKG/RTI/G-30/08/6036 dated 03.02.2016. It is further submitted that the learned Tribunal without adverting to relevance of the evidence sought to be adduced by way of additional evidence has dismissed the application on the sole ground that the petitioner failed to produce its evidence at the relevant time despite availing sufficient opportunities and thus evidence was closed by Court order. It is further argued that since 17.05.2016, there is no progress in the proceedings as no evidence in rebuttal has been

adduced by the claimant and the petition is now pending for 08.08.2016. The last submission made by counsel is that in case the petitioner is allowed one opportunity to adduce additional evidence, it would ensure that the witness along with relevant record is available for examination when on the other hand, the respondents/claimants can well be compensated with costs for delay attributable to the petitioner.

I have heard counsel for the petitioner, perused the record particularly the orders impugned.

This Court in FAO No.598 of 2014 titled Munshi Ram and another Vs. Balkar Singh and others along with connected cases while deciding the appeals has allowed an application and permitted the information through RTI to be brought on record with the observations that a response through RTI is of a public officer and it is a public document and would require no further corroboration in the manner contemplated under Section 77 of the Evidence Act. Further held that the document must be taken to be true of what its recitals state.

Keeping in view the above observations coupled with the factum that strict principles of law of evidence are not applicable to the summary proceedings conducted by the Tribunal under the Motor Vehicles Act, 1988 for grant of compensation along with the fact that there is no progress in the proceedings since evidence of the petitioner was closed by order dated 14.01.2016, the petitioner is allowed one effective opportunity to examine the concerned witness in respect of information received through RTI but subject to payment of costs of Rs.20,000/- that shall be deposited with the Tribunal and released in favour of the respondents/claimants as per rules.

It is pertinent to mention here that the petition has been disposed of without notice to the respondents in order to save them from unnecessary expenses and inconvenience. However, the respondents would be at liberty to file an appropriate application in case they have any grievance to express.

Any observations made above would not be construed as an expression of opinion in regard to admissibility, relevance of the additional evidence or merits of the case.

JULY 15, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE