

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.4323 of 2016

Date of decision:13.07.2016

Reliance General Insurance Company Ltd.

... Petitioner

Vs.

Smt. Taro Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

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

AMIT RAWAL J. (Oral)

The present revision petition is directed against the two orders declining the applications for summoning the Investigating Officer as Court witness, as well as, calling upon the claimants to furnish the ration card, aadhar card and voter card.

Mr. Sanjeev Kodan, learned counsel appearing on behalf of the petitioner-defendant contends that first application for examination of the Investigating Officer as Court witness is essential and necessary for adjudication of the lis as an FIR was registered against the un-known vehicle, the vehicle is alleged to have been insured with an Insurance Company, has been introduced later on but the Court has declined the application on the premise that evidence was closed vide order dated

18.05.2016 and the Court could have allowed the application subject to any terms and conditions. Vis-a-vis second application, the claimants have failed to prove their age and in case, the aforementioned documents are placed on record, it could help the MACT in determining the compensation and thus, urges this Court for setting aside the orders under challenge.

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that interference only qua order declining the application for examination of the Investigating Officer as a witness is warranted and in respect of second plea, the Insurance Company can take the advantage of adverse inference regarding the age as per the provisions of Section 114 of the Indian Evidence Act.

Since it is a matter of record that FIR was registered against the un-known vehicle and the vehicle has been introduced later on, in order to arrive at finding whether the vehicle was actually involved in the accident or not, I am of the view that Court ought to have allowed the application despite the evidence was closed subject to imposition of costs. Accordingly, in order to prevent miscarriage of justice and do justice, and for the factual adjudication of the lis, I deem it appropriate that the Court should allow the petitioner-Insurance Company to examine the Investigating Officer as a witness for the purpose of I.O subject to payment of costs of ₹5,000/-.

The aforementioned costs is imposed in order to defray the litigation expenses as the claimants are unnecessarily burdened for engaging the counsel. The order dated 21.05.2016 qua second relief is affirmed.

With the aforementioned observations, revision petition stands disposed of.

Learned counsel for the petitioner submits that next date before the trial Court is 16.07.2016 for arguments.

A photocopy of this order be given dasti to the learned counsel for the petitioner under the signatures of the Reader attached to this Court.

(AMIT RAWAL)
JUDGE

July 13, 2016
savita