

Civil Revision No.4975 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.4975 of 2016

Date of Decision: 16.9.2016

M/s Aggarwal Construction Company

---Petitioner

versus

Amar Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vikram Anand, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition has been directed against order dated 14.3.2016 (Annexure P-5) passed by the Motor Accident Claims Tribunal, Jalandhar (in short “the Tribunal”) whereby application filed by the insurance company seeking production of documents i.e. registration certificate, insurance policy of Tipper No. PB-09-K-9810, driving licence of respondent No. 1, route permit and fitness certificate of the vehicle has been disposed of.

Counsel for the petitioner has confined his prayer only to set

aside the observations made by the Tribunal that an adverse inference can certainly be drawn against the party who withholds any document supposed to be in his possession. It is argued that as all the documents are lying in the tipper that is. in custody of the police, the petitioner was neither in possession of the document nor could produce the documents before the Tribunal, therefore, the Tribunal should not have passed an order that an adverse inference can be drawn. It is further submitted that the petitioner would submit an application with the police for getting photocopies of the documents and would file the same before the Tribunal within a period of three months.

Without commenting upon merits of the controversy, the present petition stands disposed of that in case, the petitioner produces copies of the documents sought to be produced by the insurance company within a period of three months with the Tribunal, no such adverse inference would be drawn, at an appropriate stage of the proceedings.

(Rekha Mittal)
Judge

16.9.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No