

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

Civil Revision No.532 of 2016

Date of decision : 29.01.2016

Jai Ram and others

.....Petitioners

Versus

Surinder Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Present: Mr. Arun Sharma, Advocate for petitioners.

DARSHAN SINGH, J.

The present petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.01.2016, passed by the learned Motor Accidents Claims Tribunal, Ambala (hereinafter called the 'Tribunal'), vide which the application filed by the petitioners-claimants for examination of Gaurav Rana son of Ashok Kumar resident of village Dehar, Tehsil Naraingarh, Distt. Ambala has been dismissed.

2. The petitioners have filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on

account of death of Suman Bala in the motor vehicular accident which occurred on 15.09.2014 due to rash and negligent driving of Haryana Roadways bus by respondent No.1.

3. During the pendency of the claim petition, the petitioners moved an application for additional evidence to examine Gaurav Rana son of Ashok Rana stated to be the passenger of the ill fated bus bearing registration No.HR-37C-3414. The said application has been dismissed by the learned Tribunal. Hence, this petition.

4. I have heard Mr. Arun Sharma, Advocate, learned counsel for the petitioners and gone through the paper-book carefully.

5. Learned counsel for the petitioner contended that Gaurav Rana is a material witness. His examination is essential for the just decision of the case. He was one of the passengers travelling in bus No.HR-37C-3414, which caused the accident. Thus, he contended that he is the material witness to narrate the mode of accident.

6. I have duly considered the aforesaid contentions.

7. The impugned order shows that after availing seven opportunities for evidence learned counsel for the petitioners has closed the evidence on 22.04.2015. The claimants have already examined PW3 Amit Kumar and PW4 Rohit, the persons who were travelling in the bus and were the eye-witness to the accident. So, the petitioners have already examined two witnesses who were allegedly travelling in the bus and were witnesses to the accident. Thus, it cannot be stated that the examination of Gaurav Rana is essential for the just decision of the case.

Consequently, I do not find any illegality in the impugned order passed

by the learned Tribunal to invoke the extra ordinary supervisory jurisdiction while exercising the powers under Article 227 of the Constitution of India. The present petition being devoid of merits, is hereby dismissed.

29.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**