

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

CR No.5858 of 2016(O&M)

Date of decision:8.9.2016

Harpreet Kaur and others

....Petitioners

VERSUS

Sarmita Dogra and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikram Bali, Advocate for the petitioners.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 30.08.2016 passed by the Motor Accident Claims Tribunal, Panchkula (in short 'the Tribunal') whereby evidence of the petitioners/claimants has been closed by order.

It is argued that the petitioners summoned concerned Record Clerk from the office of Jai Bhawani Company, Baddi to prove income of the deceased but the said witness was not served. It is further submitted that in case the petitioners are not allowed to examine the said witness along with relevant record, a serious prejudice is likely to be caused to the petitioners for failing to prove income of the deceased from job of fabrication. It is prayed that the petitioners may be allowed one effective opportunity to examine the witness.

I have heard counsel for the petitioners and perused the paper-book particularly the order impugned.

The petitioners are the claimants who had approached the Tribunal for grant of compensation in regard to death of Jarnail Singh in a

motor vehicular accident. As per the settled position in law, the Tribunal has an onerous obligation to assess just, reasonable and equitable compensation to compensate the family in destitute for the wrong done as the money can do. As a witness has been summoned by the petitioner to prove that the deceased had received payments from Jai Bhawani Company, Baddi in regard to fabrication job done by him, non-examination of the witness with relevant record would cause serious prejudice to the petitioners to substantiate their claim qua income of the deceased. The Tribunal, in the given circumstances, should not have closed the evidence, rather was required to put its best efforts to ensure presence of the witness along with relevant records, so that the Tribunal does not fail in its duty to assess just and reasonable compensation.

For the foregoing reasons, the petition is allowed. The petitioners are provided with one effective opportunity to examine the concerned official from Jai Bhawani Company, Baddi. They would be entitled to obtain *dasti* summons and ensure that the witness is served. In case, the witness does not turn up despite service, the Tribunal would proceed, as per law, to secure his presence.

Disposed of accordingly.

SEPTEMBER 8, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no