

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

Date of decision:23.11.2016

1.

CR No.7926 of 2016(O&M)

Sushil Kumar

....Petitioner

VERSUS

Gurcharan Singh and others

.....Respondents

2.

CR No.7928 of 2016(O&M)

Dharmendra Kumar

....Petitioner

VERSUS

Gurcharan Singh and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. N.S. Dandiwal, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

This order will dispose of CR No.7926 and 7298 of 2016 as common questions of law and fact arise for adjudication. For brevity, facts are taken from CR No.7926 of 2016.

Counsel for the petitioner has submitted that an application for grant of compensation in respect of injuries sustained by the petitioner in a motor vehicular accident that took place on 22.01.2016 was filed and in the said case, evidence of the petitioner was closed by order and application for recalling the said order has been dismissed. It is further submitted that the petitioner only wants to tender into evidence the bills in regard to expenses on his medical treatment and in case, he is not permitted to tender the documents, it would cause a serious prejudice in establishing

his claim for grant of compensation qua injuries sustained in the accident.

I have heard counsel for the petitioner, perused the paper-book particularly the orders impugned.

The Motor Vehicles Act, 1988 (in short 'the Act') providing for compensation to victims of motor vehicle accidents is a benevolent legislation to subserve the cause of victims of accidents. The Tribunal has an obligation to assess just, reasonable and equitable compensation. The Tribunal can start proceedings for assessment of compensation on the basis of information received from the police under Section 158 of the Act without there being any claimant before the Court. In this view of the matter, the petitioner is provided with one effective opportunity to tender into evidence the documents qua medical expenses but the question of admissibility and mode of proof of the documents is left open to be decided by the Court below.

For the foregoing reasons, the petitions are allowed in the aforesaid terms.

NOVEMBER 23, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no