

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

CR No.7931 of 2016(O&M)

Date of decision:23.11.2016

Savita Devi and others

....Petitioners

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)

The present petition directs challenge against orders dated 28.10.2016 (Annexure P-3) and dated 07.11.2016 (Annexure P-5) passed by the Motor Accident Claims Tribunal, Moga (in short 'the Tribunal') whereby evidence of the petitioners has been closed by order and application for recalling the order dated 28.10.2015 has been dismissed.

Counsel for the petitioners has submitted that application for grant of compensation under Section 166 of the Motor Vehicles Act, 1988 (in short 'the Act') has been filed by the petitioners in respect of death of Anil Shah @ Anil Sahu in a motor vehicular accident that took place on 22.1.2016. It is further submitted that evidence of the petitioners has been closed by order of the Court and the petitioners will suffer irreparable loss and injury, in case they are not permitted to examine Vikas Kumar son of Jugraj to prove income of the deceased. It is prayed that the petitioners may be allowed one opportunity to examine the said witness and tender documents.

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

Be that as it may, as the petitioners have filed a petition claiming compensation and it is an obligation of the Tribunal to assess just, reasonable and equitable compensation, in the interest of substantial justice, the petitioners are allowed one opportunity to examine Vikas Kumar son of Jugraj as a witness and tender documents in evidence subject, however, to the condition that the petitioners shall ensure presence of the witness before the Tribunal on the date already fixed i.e. 28.11.2016 and question of mode of proof and admissibility of documents is left open to be decided by the Tribunal. In case, the petitioners fail to avail of the opportunity on 28.11.2016, the petition shall be deemed to be dismissed.

Disposed of accordingly.

NOVEMBER 23, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no