

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

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Civil Revision 8194 of 2016
Date of decision: 05.12.2016

Sahab Singh

..... Petitioner

Versus

Sangram Singh alias Sangram Sharma and another.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Ishaan Cooner, Advocate for
Mr. Jagram Singh Cooner, Advocate
for the petitioner

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Rekha Mittal, J. (Oral)

The present petition directs challenge against orders dated 05.07.2016 (Annexure P1) and dated 04.11.2016 (Annexure P2) passed by the Motor Accidents Claims Tribunal, Yamunanagar at Jagadhri whereby evidence of the petitioner (injured victim) was closed by order and the application for additional evidence has been dismissed.

Counsel for the petitioner has submitted that evidence of the petitioner was closed by order on 05.07.2016. The disability certificate showing disability to the extent of 100% was issued on 29.07.2016. It is further submitted that a serious prejudice would be caused to the petitioner in case he is not permitted to examine one of the doctors, member of the Medical Board constituted for assessing disability of the petitioner. It is prayed that the petitioner may be allowed one opportunity to examine the doctor.

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

Perusal of order dated 04.11.2016 (Annexure P2) would make it evident that the Court dismissed the application for additional evidence on twin grounds namely that it amounts to review of order dated 05.07.2016 passed by the Tribunal and the petitioner has availed of eight effective opportunities including four effective last opportunities on different dates, detailed in the order, therefore, he is not entitled to adduce additional evidence. The Tribunal while dismissing the application has failed to take into consideration the judgment of this Court ***State of Punjab and others v. Ajmer Singh, 2009 (2) PLR 749*** wherein it is held that order closing evidence is a docket order and the trial Court is competent to examine if there is justification to reopen the case.

This apart, the Tribunal has failed to appreciate that it is an obligation of the Tribunal to assess just, reasonable and equitable compensation in order to redress grievance of a victim. The Tribunal is required to assess just compensation even in cases where a report is received from the police under Section 158 of the Motor Vehicles Act, 1988 disregarding whether application for compensation is filed by the victim or not.

Keeping in view the onerous obligation to be discharged by a Tribunal for giving adequate compensation for the wrong done to the victim, the impugned order cannot be allowed to sustain and accordingly set aside. However, the Tribunal is directed to consider examination of the concerned doctor by way of video conferencing if said facility is available.

Otherwise, an opportunity would be provided to the petitioner to examine the doctor concerned for proving disability.

Before parting with the order, it is clarified that the instant petition has been disposed of without notice to the respondents in order to avoid inconvenience and incurring expenditure by them. However, if the respondents have any grievance to express, they shall be at liberty to file an appropriate application before this Court.

(Rekha Mittal)
Judge

05.12.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No