

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

CR No. 8732 of 2016(O&M)

Date of decision: 23.12.2016

Meer Singh

....Petitioner

VERSUS

Anil and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Atul Yadav, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against orders dated 15.10.2016 (Annexure P-3) and dated 07.12.2016 (Annexure P-5) passed by the Motor Accidents Claims Tribunal, Gurgaon (in short 'the Tribunal').

Counsel for the petitioner, at the outset, has submitted that he does not press the petition qua challenge to the order dated 15.10.2016 whereby his application for amendment of the claim petition was partly allowed and partly dismissed. However, it has been submitted that though the petitioner earlier also filed two applications for adducing additional evidence which were allowed by the Tribunal but filing of applications with piecemeal prayer is the result of petitioner's not getting proper legal advice. It is further submitted that in case the petitioner is not permitted to examine the doctor to prove the disability suffered by him owing to injuries sustained in the occurrence, a serious prejudice would be caused in getting adequate compensation for the wrong done. It is further submitted that proceedings before the Tribunal are summary in nature, no specific procedure has been prescribed to be followed by the Tribunal when otherwise strict principles of the Indian Evidence Act, 1872 do not apply to

the proceedings. It has been prayed that the petitioner may be allowed one opportunity to examine Dr. Neena Gathwal at his own responsibility and he would ensure presence of the doctor along with relevant records on the date fixed in the proceedings i.e. 10.01.2017.

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

A perusal of order would indicate that on earlier occasions, the petitioner filed two more applications for additional evidence which were allowed by the Tribunal. However, keeping in view the onerous obligation to be discharged by the Tribunal to assess just and reasonable compensation coupled with the factum that examination of the doctor in regard to disability of the injured victim may be a clincher for determination of the controversy in the light of judgment of Hon'ble the Supreme Court of India **Raj Kumar Vs. Ajay Kumar and others, 2011 (2) RCR (Civil) 101**, the petitioner is allowed one opportunity to examine the doctor concerned on the date already fixed in the proceedings i.e. 10.01.2017 but subject to the condition that the petitioner shall ensure presence of the witness along with relevant records on the date fixed.

With these observations, the petition stands disposed of.

Before parting with this order, it is clarified that the petition has been disposed of without notice to the respondents in order to save them from unnecessary expense and inconvenience. However, the respondents would be at liberty to file an appropriate application in case they have any grievance to express.

DECEMBER 23, 2016

'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no