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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 322/2016**

TAPENDER GIRI & ANR

..... Petitioners

Through: Mr. Puneet Goel, Adv.

versus

BIMLA DEVI & ORS

..... Respondents

Through: Mr. Tanya, Adv., proxy counsel for
R-1 to 6.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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22.04.2016

While issuing notice to first to sixth respondents (the claimants before the motor accident claims tribunal), this court passed the following order on 06.04.2016:-

“CM No.12692/2016

Exemption allowed, subject to just exceptions.

CM(M) 322/2016 & CM No.12691/2016 (stay)

The petitioners have been impleaded in the accident claim case before the tribunal being described as driver and owner respectively of the offending vehicle. The evidence of the claimants (first to sixth respondents herein) is stated to have been closed on 29.04.2013. The petitioners were thereafter called upon to lead evidence in which they have claimed to have examined themselves as their respective witnesses. The tribunal closed the opportunity for their evidence by order dated 29.02.2016 observing that sufficient opportunity had been availed and the matter was closed. It is argued that the delay, if any, was caused for reasons attributable to the claimants themselves. On being asked the counsel for the petitioners submitted that the list of witnesses to be examined was submitted on 09.07.2013 (page 120-121 of the paper book). The counsel now submits that only one witness namely Sugriva, whose full particulars are now available is to be

examined, in addition to tendering in evidence the certified copies of the relevant record relating to the investigation in FIR No.915/2016 of police station Sector-20, Noida-1, U.P., and copies of MLC and post mortem report which have been obtained under RTI Act.

Issue notice on requisite steps being taken to first to sixth respondents returnable on 22.04.2016.

The tribunal shall not pass final order on the claim petition till next date.”

The learned counsel for the claimants submits that she has no objection to the limited prayer as noted in the above extracted order of 06.04.2016 to be granted to the petitioner. Thus, prayer as mentioned above is allowed.

The petitioners shall take necessary steps to ensure that the opportunity hereby given is availed of without causing any delay or default.

The parties jointly submit that the matter is listed before the tribunal on 11.05.2016. The petitioners shall be duty bound to take necessary steps well in time to ensure that the witness (es) required to be examined or to produce the record, are duly served for the said date.

The petition is disposed of in above terms.

R.K.GAUBA, J

APRIL 22, 2016/ssc