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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 718/2014 & CM No.12273/2014
SUBASH

..... Petitioner
Through Mr. Gurmit Singh Hans, Ms. Aarti
Machanda, Ms. Richi Sharma and
Ms. Richa Verma, Advs.

versus

RAJENDER SINGH & ORS

..... Respondent
Through Mr. A K Soni, Adv. for R-3

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **17.02.2016**

The petitioner is a claimant for compensation in claim case registered by the Motor Accident Claims Tribunal as suit No.141/2011. It appears the claim case is being contested only by the insurance company (the third respondent herein). After the insurance company had closed its evidence, the petitioner sought further opportunity for additional evidence to be adduced, *inter alia*, to prove the extent of permanent disability suffered by him. The Tribunal by order dated 25.04.2014 declined the said opportunity referring to the dilatory conduct indulged in by the claimant over the last several years. On being asked to justify, the counsel for the petitioner fairly conceded that on account of personal difficulty of petitioner there had been several defaults. He agrees fairly that lack of timely and effective prosecution of the claim case may have a bearing eventually on the right to claim interest over the compensation that is assessed by the Tribunal on the

conclusion of the proceedings.

In the facts and circumstances, the petition is allowed. The impugned order is set aside. The Tribunal shall grant further opportunity to the petitioner to adduce additional evidence. Needless to add he shall be obliged to take effective steps to ensure that there is no further delay in the conclusion of the proceedings. It may also be added that the opposite party shall also be entitled to opportunity to lead evidence in rebuttal.

The appeal is disposed of in above terms.

Copy of the order be given *dasti*.

R.K.GAUBA, J

FEBRUARY 17, 2016

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