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

Date of Decision: 24th February, 2016

+ CM(M) 793/2015

RELIANCE GENERAL INSURANCE CO LTD Petitioner
Through: Mr. A.K. Soni with Mr. Sameer
Nandwani, Adv.
versus

SUNIL KUMAR & ORS Respondents
Through: Respondent no.1 in person.

+ CM(M) 795/2015

RELIANCE GENERAL INSURANCE CO LTD Petitioner
Through: Mr. A.K. Soni with Mr. Sameer
Nandwani, Adv.
versus

RAJINDER ALIAS PARVESH & ORS Respondents
Through: Respondent no.1 in person.

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

JUDGMENT

R.K.GAUBA, J (ORAL):

1. Both these petitions are identically placed, as similar orders closing the opportunity for the petitioner insurance company to adduce evidence was closed vide similar orders passed by the Tribunal on 21.07.2015 on the files of claims petitions of the first respondents herein, registered as suit nos.22/10 and 21/10 respectively. The first respondents, on notice, have appeared in person and submit, on legal advice received, their no objection to the

Insurance Company (petitioner) being allowed one more opportunity to adduce its evidence during the inquiry of claim petitions.

2. Having heard the learned counsel for the petitioner in these two matters, it must be recorded that the ground of advocates' strike could not be good justification not to summon the witnesses or for steps not to be taken.

3. Be that as it may, given the no objection now coming from the claimants as recorded above, the petitions are allowed. The impugned orders closing the opportunity for the petitioner insurance company to adduce its evidence in rebuttal are vacated though with caution that the insurance company shall take expeditious and diligent steps to ensure the presence of its witnesses on the date to be fixed for the purposes by the Tribunal as per the convenience of its calendar.

4. The petitions are disposed of in above terms.

5. Copy of this order be given dasti.

R.K. GAUBA
(JUDGE)

FEBRUARY 24, 2016/afa