

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 1380 of 2017 (O&M)

Date of decision:- February 27, 2017

PAWAN KUMAR @ PAWAN BANSAL

....PETITIONER..

VERSUS

MOHINDER SINGH AND OTHERS

...RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Sanjeev Goyal, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

By virtue of instant civil revision petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 13.02.2017 (Annexure P-13) passed by ld. Motor Accident Claims Tribunal, Sangrur (for short, "MACT"), vide which, the evidence of the petitioner/claimant has been closed by order.

2. The contention of learned counsel for the petitioner is that on the basis of application moved by the petitioner, the ld. Tribunal referred the matter to Medical Board of PGI, Chandigarh regarding the examination of Pawan Kumar @ Pawan Bansal-petitioner to assess permanent disability, if any. A letter to this effect was also written to the Incharge, Central Registration Department, PGI, Chandigarh, in response to which, a letter was also addressed to the petitioner by the Medical Disability Board, PGI, Chandigarh on 07.12.2016 but till date, the petitioner could not get

permanent disability certificate from the concerned authorities. But vide order dated 13.02.2017, the ld. Tribunal has closed the evidence. The evidence, if any, with regard to the permanent disability of the petitioner was not within his reach and it was to be produced and proved by the concerned medical officer(s). Otherwise also, the petition has been preferred under the beneficial legislation, where the technicalities of the Civil Procedure Code are not applicable.

3. Keeping in view the aforesaid circumstances, the impugned order dated 13.02.2017 is not justifiable. As such, order dated 13.02.2017 is set aside and ld. Tribunal is directed to secure the disability certificate and then to examine the concerned medical officer to get it proved, if so required under the law.

4. Meanwhile, the passing of the final order shall remain stayed.

5. A copy of this order be sent to the concerned authority for its compliance.

February 27, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No