

CR-1813-2017 (O&M)
Date of Decision : 17.07.2017

Sunita and othersPetitioners

versus

Balwan and othersRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Pankaj Mehta, Advocate
for the petitioners.

Mr. J.S. Thind, Advocate
for respondents No. 1 and 2.

Mr. V. Ramswaroop, Advocate
for respondent No. 3.

M.M.S. BEDI, JUDGE (ORAL)

This is a revision petition against order dated 23.01.2017 passed by the Motor Accident Claims Tribunal declining the request of petitioners for additional evidence.

A perusal of the impugned order indicates that vide order dated 09.01.2017 application for additional evidence was allowed, however, subject to one opportunity to examine eye-witness namely, Ramphal, but on account of petitioners having failed to produce that witness, the evidence was ordered to be closed.

Taking into consideration the fact that once opportunity had been granted for additional evidence, the petitioners should have been permitted to produce the evidence by granting another opportunity subject to payment of cost.

The revision petition is allowed. The order dated 23.01.2017 is hereby set aside. It is ordered that one opportunity will be granted to the petitioners to produce Ramphal, son of Pratap, at their own responsibility on a date to be fixed by the Tribunal subject to payment of costs of Rs.5,000/- to respondents No. 1 and 2. It is made clear that in case, the petitioners failed to produce the witness or pay the costs as per the directions, on the date given by the Motor Accident Claims Tribunal, this revision petition will be deemed to have been dismissed.

Parties are directed to appear before the Tribunal on the date fixed.

(M.M.S. BEDI)
JUDGE

17.07.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No