

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.3712 of 2017
DECIDED ON: May 22, 2017

SUNIL KUMAR

.....PETITIONER...

VERSUS

PARVINDER AND OTHERS

....RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sanjeev Kodan, Advocate,
for the petitioner.

JASPAL SINGH, J.(Oral)

By virtue of instant petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 04.05.2017 passed by Motor Accident Claims Tribunal, Jhajjar (for short, "Tribunal") vide which, the evidence of the petitioner has been closed by the orders of the court.

2. Undoubtedly, the claim petition was listed for 03.02.2017 for the evidence of the petitioner, for the first time and, thereafter, matter was referred to the Lok Adalat for amicable settlement. However, 3/4 opportunities were afforded to the petitioner and when he failed to conclude his evidence, his evidence was closed by the orders of the Court on 04.05.2017.

3. Learned counsel for the petitioner submits that the petitioner be provided only one opportunity to examine one Manoj Kumar, an eye witness of the accident in addition to the petitioner himself.

4. After hearing and going through the records, this Court is of the considered view that examination of the eye-witness of the accident as well as

the petitioner is essential for the effective and proper adjudication of the matter in controversy. Otherwise, it is likely to cause a great prejudice to the petitioner.

5. Keeping in view the aforesaid aspect of the case but without expressing any opinion with regard to the legality of the impugned order, the same is set aside. Ld. tribunal is directed to afford one effective opportunity to the petitioner to adduce and conclude his evidence. The witness shall be produced by the petitioner at his own responsibility.

6. Since, this order has been passed in the absence of the respondents, if they feel so aggrieved of this order, they shall be at liberty to approach this court.

May 22, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No