

231

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.7954 of 2015 (O&M)
Date of Decision: 15.11.2017**

MULKHAN KHAN

.....Petitioner

Vs

**NATIONAL INSURANCE COMPANY LTD AND ORS
....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. H.S. Brar, Advocate
for the petitioner.

Mr. Lalit Garg, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner is aggrieved of the order dated 04.11.2015 passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter to be referred as 'the Kurukshetra') vide which application for adducing additional evidence filed by the petitioner was dismissed on the ground that the petitioner wanted to produce second driving licence for which he was not authorised to lead evidence.

[2]. I have heard learned counsel for the parties.

[3]. It is a settled position of law that if something remains

obscure, the same can be filled by way of additional evidence. The nature of evidence to be led by means of proposed additional evidence would go in a long way to decide the controversy in an effective manner. Even otherwise, the Court can allow the prayer for any other substantial cause. At the time of leading additional evidence, the admissibility, validity and authenticity of the evidence is not to be gone into otherwise it may amount to pre-judging the issue at such a pre-mature stage of leading evidence and can cause prejudice to the party concerned. Whether holding of two driving licences is permissible or otherwise under the law would be gone into by the Tribunal at the relevant stage. At this stage, petitioner can be allowed to lead evidence leaving the issue of admissibility and validity to be tested by the Tribunal at the relevant stage.

[4]. In view of above, this revision petition is accepted and the impugned order dated 04.11.2015 passed by the Tribunal is set aside. The application for leading the additional evidence is allowed. Normal consequences to follow.

November 15, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No