

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

**CR No.3628 of 2018
Date of Decision : 28.05.2018**

Bhagwati and others

.....Petitioners

Versus

Goutham and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.V.B.Aggarwal, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners are aggrieved by the orders dated 19.04.2018 (Annexure P-3) and 10.05.2018 (Annexure P-4), vide which, the additional evidence, they intended to adduce has since been closed.

It is urged that vide order dated 5.4.2018 (Annexure P-1), the Motor Accident Claims Tribunal, had allowed the application of the petitioners for additional evidence to examine ASI Kashmir Singh, Investigating Officer in FIR No.439 dated 1.10.2016, under Sections 279, 304-A IPC. For, his statement would have been crucial to arrive at a just and fair decision in the matter. The Process Server went to the police Station, the said witness was posted at, but delivered the summons to the MHC of the Police Station, for, Kashmir Singh was unavailable. Resultantly, the said witness did not appear on the adjourned date i.e. 19.04.2018. But, the Tribunal rather than resorting to the measures, admissible in law, to secure the presence of the said witness, adjourned the matter to 10.05.2018. And, on the adjourned date, the Court closed the

additional evidence that was sought to be led.

Apparently, in conspectus of the above, the impugned orders dated 19.04.2018 (Annexure P-3) and 10.05.2018 (Annexure P-4), are unsustainable and are accordingly set aside, but without issuing any formal notice to the respondents to avert any further delay and the expenses that they shall have to incur to defend these proceedings. Accordingly, the revision petition is disposed of, with an observation that the Tribunal shall grant one effective opportunity to the petitioners to examine ASI Kashmir Singh, pursuant to the order dated 5.4.2018 (Annexure P-1), and proceed in accordance with law.

28.05.2018
Manoj Bhutani

Whether speaking/reasoned
Whether reportable

(ARUN PALLI)
JUDGE
Yes/No
Yes/No