

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

**Civil Revision no.4100 of 2018 (O&M)**

**Date of Decision: 03.07.2018**

National Insurance Co. Ltd.

...Petitioner

Vs.

Ram Rati and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Gopal Mittal, Advocate, for the petitioner.

**Amol Rattan Singh, J (Oral)**

By this petition, the petitioner-Insurance Company challenges the order of the learned Motor Accident Claims Tribunal, Karnal, (in short “the Tribunal”), dated 14.05.2018, by which an adjournment to lead evidence qua certain documents tendered as Exs.R-9 and R-10 was declined by the Tribunal, on the ground that on that date (14.05.2018) it was the last opportunity granted for the said purpose and consequently, the evidence of respondent no.3, i.e. the present petitioner, National Insurance Co., was closed.

Learned counsel for the petitioner submits that as a matter of fact the witness sought to be examined by the petitioner was a Clerk in the office of the District Transport Office, Jullunder, who refused to accept the summons issued by the Tribunal to appear as a witness, and therefore it was not the fault of the petitioner that the said witness did not appear and in fact the Tribunal should have taken coercive proceedings to ensure the presence of the witness.

Though whether even production of such a witness would eventually affect the outcome of the case or not is something which naturally would be looked into by the Tribunal on merits, the said witness being only shown to be relevant to the extent that, as per the present petitioner, the driving license of the driver of the vehicle in question was not valid for a period of 15 days, i.e. between the time that it had expired and till it was renewed after about 45 days, however, the question being fair opportunity to the parties to lead evidence as they wish to, and it being contended that the witness, who is a Government official, had refused to accept summons, this petition is allowed and the impugned order is set aside with the petitioner-Insurance Company granted one effective opportunity to lead evidence before the Tribunal, with the Tribunal to ensure that if it is shown that the witness sought to be examined has actually refused summons or evaded service thereof, appropriate proceedings are taken to ensure his presence.

Since the date of hearing before the Tribunal is stated to be tomorrow, i.e. 04.07.2018, a copy of this order be given to the learned counsel for the petitioner under signatures of the Bench Secretary.

**03.07.2018**  
vcgarg

**(AMOL RATTAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking : Yes**  
**Whether reportable: Yes**