

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

Civil Revision No.4123 of 2018

Date of Decision: 04.07.2018

Jyoti Jain and others

...Petitioners

Vs.

M/s Shakti API Foods Pvt. Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ishan Gupta, Advocate, for the petitioners.

Amol Rattan Singh, J (Oral)

By this petition, the petitioners who are claimants before the learned Motor Accident Claims Tribunal, Sangrur (in short “the Tribunal”), challenge the order of the Tribunal dated 24.05.2018 (Annexure P-8), by which an application filed by respondent no.4 herein, i.e. the Insurance Company that had insured the vehicle that is stated to have caused the accident, for leading additional evidence, has been allowed.

The additional evidence that is sought to be led by the said respondent is stated to be in the form of the DDR registered at the Police Station Sadar Ahmedgarh, with respect to the accident having taken place, with the contention of the respondent being that a statement had been made by the father of the deceased (CW-3) before the Tribunal, to the effect that the accident did not take place due to the fault of any person and as such, he did not want to take any action against anybody.

The other piece of evidence that is sought to be led by the respondent is stated to be footage of a CCTV camera installed at the

premises of the factory in front of which the accident is stated to have taken place.

Learned counsel for the petitioner firstly submits that as regards the statement of the father of the deceased, it had already been stated in the claim petition itself that Ram Kishan (father of the deceased) was actually not present at the site of the accident when it took place and that the police officials had wrongly entered the DDR, possibly under the influence of the owner of the 'offending vehicle'.

He further submits that actually there is no CCTV camera installed in the factory premises and therefore the application for additional evidence having been filed after evidence had been closed and even arguments addressed on both sides, it is only to delay the proceedings.

Having considered the aforesaid contention, whereas the contention itself may not be incorrect, however, keeping in view the fact that a part of the additional evidence that is sought to be led is stated to be CCTV camera footage of the accident actually taking place, I am not inclined to interfere in the impugned order.

If, of course, there is no camera installed and no CCTV footage is actually led by way of evidence, the Tribunal would award appropriate costs to the claimants on account of a false averment made on behalf of respondent no.4.

Therefore, while disposing of this petition, the Tribunal

is directed to ensure that only one effective opportunity is granted to the respondent-insurance company to lead additional evidence, with the Tribunal keeping in mind the fact that the contention of the claimants is that they had already disclosed the essential contents of the DDR in paragraph 22 of the claim petition, contending therein that the DDR recorded was itself not at the instance of the father of the deceased, who was not present at the site, and possibly may have been entered by the police officials themselves.

04.07.2018

vcgarg

(Amol Rattan Singh)

Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes