

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

CR No. 4573 of 2018 (O&M)

Date of Decision: 24.07.2018

Reliance General Insurance Company Ltd.

.....Petitioner

Vs.

Beero Bai and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner first points to the impugned order Annexure P-3, wherein it is stated by the learned Tribunal that the petitioner (respondent no. 2 before the Tribunal), had availed 03 effective opportunities for adducing evidence despite which it had not done so and consequently, the evidence of the petitioner (respondent no. 2 before the Tribunal), was closed by the order of the court.

He however next points to the 'zimini' orders produced in Court today, showing that after the claim petitions had been remitted back by this Court to the Tribunal, vide an order of this Court dated 23.02.2018 (Annexure P-2), in fact the Tribunal had recorded, vide its order dated 30.05.2018, that only 01 opportunity would be granted to the respondents to adduce evidence, as the case pertained to the year 2009 (even though it had been remitted back by this Court only in February 2018).

Thereafter, 01 more opportunity was granted on 05.07.2018 and consequently, on the date that the impugned order was passed, i.e. 13.07.2018, only 02 opportunities had been granted to the petitioner, and not 03. He submits that the petitioner wishes to lead evidence only in the form of 1 witness, who is stated to be a Clerk from the office of the Regional Transport Officer/District Transport Officer, Mathura.

That being so, even without issuing notice to the respondents-claimants, this petition deserves to be allowed in the aforesaid circumstances.

Consequently, the impugned order dated 13.07.2018 (Annexure P-3) is set aside, by which evidence of the petitioner was closed, and the Tribunal is directed to ensure that at least 02 more effective opportunities of examining the aforesaid witness are granted to the petitioner. The Tribunal may, if necessary resort to coercive methods, as per law, to obtain the presence of the witness, he being a Government official who may not be willing to appear easily.

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

July 24, 2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.