

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

CR-4800 of 2018

Date of Decision: 30.07.2018

Ajit Singh Atri and another

.....Petitioner

Vs.

Sapna Kumari and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Vaneet Kumar Sharma, Advocate
for the petitioners.

AMOL RATTAN SINGH, J. (Oral)

The petitioners challenge the order of the Motor Accident Claims Tribunal, Chandigarh, dated 07.09.2017 (Annexure P-6), by which the application seeking to recall PW2, i.e respondent no.1 herein, for further cross-examination, has been dismissed.

Learned counsel for the petitioners submits that further cross-examination of the said respondent-witness was required in view of the fact that subsequently the petitioners have come into possession of a divorce decree granted by a Court in Perth, Western Australia, dated 16.12.2008/17.01.2009 (a copy of which has been annexed as Annexure P2 with the petition).

He submits that the contention of respondent no.1 being that she had married the deceased son of the petitioner on March 8, 2008, in any case it could not be a valid marriage in view of the fact that the previous marriage of their son, Rohit Atri, was subsisting on that date.

Upon query as to whether the document Annexure P-2 has been

led by way of evidence before the learned Tribunal, he submits that the said certificate has been obtained only recently by the petitioners.

Obviously, a document which is not even on record before the learned Tribunal, cannot be made the basis for recalling a witness for further cross-examination pertaining to that very document.

Faced with the aforesaid situation, learned counsel for the petitioners submits that he may be permitted to withdraw this petition with liberty to move an appropriate application before the Tribunal for leading evidence in the form of the aforesaid certificate of divorce, it being a vital document, essential to the adjudication of the compensation to be awarded to the petitioners vis-a-vis respondent no.1.

Consequently, this petition is disposed of as having been withdrawn, with the petitioners obviously always at liberty to move any application they wish to before any forum, with however, each such application to be dealt with on its own merits.

July 30, 2018

dharamvir/dinesh

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO