

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7373 OF 2018(O&M)
Date of decision: 30.10.2018

Reliance General Insurance Company Ltd. ... Petitioner

vs

Kamalpreet Singh and ors. .. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Ms. Bhupinder Kaur, Advocate for
Mr. Sanjeev Kodan, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

The insurance company has filed this revision petition impugning the order dated 28.05.2018 of learned Motor Accident Claims Tribunal, Tarn Taran (in short 'the Tribunal') whereby its evidence was closed by order and the order dated 24.09.2018 of the Tribunal whereby its application for leading additional evidence to prove the list of witnesses in the criminal case and to summon the record of case bearing FIR No. 57 dated 13.02.2015 under Sections 304-A, 279 and 427 IPC, registered at Police Station City Tarn Taran has been dismissed.

Respondents No. 1 to 3 have filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of death of Balkar Singh, who is stated to have died in a vehicular accident on 13.02.2015. The petitioner herein is respondent No.3 in the aforesaid claim petition.

It is the case of the petitioner that the evidence of the claimants was concluded on 30.04.2018. Thereafter, the petition was adjourned to 14.05.2018 for evidence of the respondents. On 14.5.2018 no RW was present. Counsel for the driver and the owner of the truck allegedly

involved in the accident tendered into evidence certain documents and closed their evidence. Vide the same order, respondent No.3 was directed to produce the entire evidence on 28.05.2018 subject to last opportunity. On 28.05.2018 no RW was present. The counsel for respondent No.3 tendered into evidence attested copy of the insurance policy Ex.R6. An adjournment was sought for remaining evidence but the same was declined and the evidence of respondent No.3 was closed by order. It was noted that respondent no.3 had already availed two opportunities to conclude its evidence including one last opportunity and hence, there was no justification to adjourn the petition for evidence of respondent No.3.

Learned counsel for the petitioner states that the petitioner only wants to place on record the report of District Transport Officer, District Bhind (Madhya Pradesh) to prove that the driving licence of the driver- Nirmal Singh, respondent No.1 in the claim petition was a fake document. She states that in the petition filed by the widow of the deceased -Resham Singh, who also died in the same accident, the driving licence of the driver of the truck was found fake and recovery rights were granted to the insurance company against the owner and driver thereof. She states that if no opportunity is granted to the petitioner, then a grave prejudice would be caused to her.

Considering the facts and circumstances of the case, this petition is allowed to the extent that the impugned order dated 28.05.2018 closing the evidence of the petitioner is set aside. The trial Court may grant one effective opportunity to the petitioner to prove the report of District Transport Officer, District Bhind (Madhya Pradesh) (Annexure P-10). This

shall be subject to payment of Rs.10,000/- as costs to the claimants.

There however appears to be no infirmity in the order dated September 24, 2018 declining the prayer of the petitioner to summon the concerned Ahlmad of the Court of Illaqa Magistrate Tarn Taran alongwith the file of the criminal case pertaining to FIR No. 57 dated 13.02.2015 under Sections 304-A, 279, 427 IPC, Police Station City Tarn Taran both for the reasons that the application had been filed at a belated stage when the case was fixed for rebuttal evidence and arguments and that the claim petition has to be decided independently on the basis of the evidence led before the Tribunal.

The revision petition qua that is dismissed.

This revision petition has been disposed of without notice to the respondents to avoid unnecessary delay and expenses. However, if the respondents have any grievance, they are at liberty to approach this Court for re-calling this order.

30.10.2018
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(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes
Yes/No