

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

(233)

CR-8110-2017

Date of Decision: October 10, 2018.

ICICI Lombard General Insurance Company Ltd.

.... Petitioner

Versus

Vimla and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Divyadeep Walia, Advocate, for respondents No. 1 and 2.

SUDIP AHLUWALIA, J (ORAL)

1) Vide impugned order, the application of the petitioner/Insurance Company for leading additional evidence by way of placing certified copy of the information regarding driving licence of original respondent No.1-Vimla in the Motor Accident Claims Tribunal was rejected. It is seen from the copy of the petitioner's written statement filed before the Tribunal that a specific plea regarding invalidity of the concerned driving licence, had been taken.

2) In the given circumstances, the question of validity of the said licence was certainly of vital importance for an effective and meaningful exercise of jurisdiction.

3) Rejection of the petitioner's prayer for permission to lead additional evidence for placing the relevant information which appears to have become available in the form of a document by that time merely on the ground that "last opportunity" had already been granted to the Insurance Company to lead its evidence was apparently uncalled for. The prejudice,

if any, occasioned on account of such delay in leading of additional evidence could have been compensated by way of adequate costs to the claimants/present respondents.

4) In the given circumstances, the present revision petition is allowed and the impugned order dated 03.11.2017 passed by the Motor Accident Claims Tribunal, Ambala, is set aside.

5) The petitioner/Insurance Company is permitted to lead additional evidence only by way of certified copy of the relevant information available to it regarding genuineness or otherwise of the Driving Licence of present respondent No.3, who was respondent No.1 in the original proceedings. For this purpose, the learned Tribunal shall grant one single opportunity on a specified date to the petitioner/Insurance Company to lead such additional evidence subject to payment of costs of Rs.5,000/- in favour of the claimants/respondents.

(SUDIP AHLUWALIA)
JUDGE

October 10, 2018
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No