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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 211/2018 & C.M.No. 6798/2018

ABHAY AGNIHOTRI

..... Petitioner

Through: Mr. Gaurav Sharma, Advocate

Versus

LALMANI & ORS

.....Respondents

Through: Mr. JPN Shahi, Advocate for
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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24.07.2018

Impugned order of 9th January, 2018 refuses to reopen the evidence of petitioner, who is the driver of the vehicle involved in the accident which took place on 16th October, 2012. Rejection of petitioner's application by the Tribunal is on the ground that the application for reopening the evidence is silent as to when and how they had traced *Dharamvir* whose evidence petitioner wants to get recorded.

Learned counsel for petitioner submits that claimants' evidence was closed on 14th September, 2015 and thereafter, petitioner was granted two effective opportunities, but he could not trace out said *Dharamvir*, whose evidence is essential to prove the case set up by petitioner. Now the matter is coming up before the Tribunal for hearing on 22nd October, 2018. Learned counsel for petitioner submits that the witness-*Dharamvir* has been traced out with great difficulty on 22nd November, 2017.

In the facts and circumstances of this case, it is deemed appropriate

to grant one effective opportunity to petitioner to get the said witness-*Dharamvir* examined. Accordingly, this petition is allowed subject to costs of rupees thirty thousand to be deposited with the Delhi High Court Legal Services Committee. The proof of deposit be furnished to the Tribunal within two weeks from today and the Tribunal shall fix a date for recording of evidence of witness-*Dharamvir* on a date prior to the date already fixed.

With aforesaid directions, this petition and the application are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 24, 2018

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