

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CR No.8476 of 2017

Date of Decision: November 07, 2019

Pawan Kumar

.....Petitioner

versus

Mehak minor and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE JAISHREE THAKUR

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Krishan Singh, Advocate for respondent No.1.

Mr. Vinod Chaudhari, Advocate for respondent No.2

JAISHREE THAKUR, J. (Oral)

This is a Revision Petition that has been filed seeking to challenge the order dated 13.10.2017 passed by learned Motor Accident Claims Tribunal (for short 'MACT') Jagadhri, whereby evidence of the petitioner has been closed by the Tribunal as well as prayer for setting aside the impugned order dated 27.11.2017 by which the application for leading additional evidence to examine the petitioner himself as a witness and to produce documents, has been dismissed.

2. Learned counsel for the petitioner herein assails both the orders and prays the same to be set aside and would contend that to substantiate justice between the parties, it would be necessary for him to lead his evidence as to establish that he had the necessary documents and route permit, licence of the driver etc at the relevant time. It is pleaded that in case he is not given one

opportunity to lead his evidence, he will be fastened with the liability, which would not be sustainable since the vehicle was insured.

3. Learned counsel for the respondents opposes the said prayer by submitting that several opportunities had already been availed of and it is thereafter that the Tribunal closed the evidence of the petitioner

4. I have heard learned counsel for the parties.

5. Admittedly, the evidence of the petitioner stands closed by an order of the Tribunal as well as his application for additional evidence stands rejected. The Motor Vehicles Act, 1988 is a beneficial legislation and therefore, to do substantial justice between the parties, this Court deems it appropriate to set aside both the impugned orders subject to payment of Rs.5,000/- as costs with the District Bar Association for the welfare of the Advocates at Yamuna Nagar itself. The petitioner herein would be allowed two effective opportunities at his own risk to adduce evidence and thereafter, two effective opportunities would be allowed to the respondents herein to controvert evidence in counter thereto. The Tribunal will thereafter decide the matter afresh based on any fresh evidence led.

6. Consequently, the impugned award is set aside.

7. The parties are directed to appear before the Tribunal at Yamuna Nagar on 04.12.2019. The record, if any, be remitted back to the Tribunal forthwith.

November 07, 2019

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[JAISHREE THAKUR]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No