

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

**CR no.2639 of 2019 (O&M)
Date of Decision: 15.05.2019**

Narinder Kumar @ Narinder Malik

...Petitioner

Vs.

Sandeep Kajal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Parminder Singh, Advocate, for the petitioner.

Amol Rattan Singh, J (Oral)

Pursuant to the order dated 10.05.2019, Mr. Parminder Singh has produced in Court the orders passed by the learned Motor Accident Claims Tribunal, Panipat, dated 02.04.2019 and 18.04.2019, showing that on neither of those two dates any witness for the respondents in the claim petition was present.

Thus, he submits that the stage of the hearing of the petition is still as it was on the date that the impugned order was passed, i.e. 14.03.2019, by which the matter had been adjourned to 02.04.2019 for respondents' evidence, after the petitioners' evidence had been closed due to the fact that he had not concluded it despite 4 opportunities having been granted.

It is seen from the order dated 18.04.2019 that the next date of hearing before the Tribunal now is 17.05.2019.

That being so, since no evidence has been led on behalf of the respondents as yet, without even issuing notice of motion, this petition is allowed, with the impugned order set aside and the learned Tribunal directed to grant the petitioner two opportunities to produce the witness that he wishes to examine, that witness stated to be the doctor who had treated the petitioner.

Naturally, if any application is filed for summoning the doctor if he does not appear on the request of the petitioner, appropriate orders would be passed in that regard by the Tribunal.

It is to be noticed that it is contended that the petitioner is stated to be only a labourer repairing mobile phone towers; hence, no costs are being imposed on him, also keeping in view the fact that no evidence so far has been led by the respondents.

15.05.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No