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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2740 of 2019 (O&M)

Date of Decision: 29.04.2019

Durga International

..... Petitioner

Versus

Arun Kumar Sharma and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The present Revisional Petition is directed against the order dated 01.04.2019 (Annexure P-1), passed by the Ld. Motor Accident Claims Tribunal, Ludhiana.

2. The petitioner happens to be the owner of the offending vehicle involved in the concerned accident and respondent No.1 in the Main Claim Application, which was filed by the present respondents No.1 and 2, who happen to be the parents of the deceased Jatinder Kumar, who was killed in the concerned accident.

3. In the impugned order (Annexure P-1), the Ld. Tribunal had permitted examination of the eye-witness of the concerned occurrence/accident, namely one Lovepreet Singh @ Laddi, *albeit* at a delayed stage. Such opportunity to lead evidence was granted by the Ld.

Tribunal, subject to payment of costs of ₹1,000/- in favour of the present petitioner, with the following observations:

“From the perusal of record, it transpires that FIR with respect to accident in question was got registered by Lovepreet Singh @ Laddi being eye witness of the occurrence. Hence, this court is of the opinion that evidence of witness Lovepreet Singh @ Laddi is necessary to adjudicate controversy of present case more effectively. Although, earlier claimant did not examine this witness during their evidence but on this score alone, the application in hands cannot be dismissed, particularly when opposite party can be compensated by way of cost for delay occurred on the part of the claimants.”

4. This Court finds no tangible grounds to interfere with the impugned order (Annexure P-1), since the witness in question is stated to be an eye-witness to the concerned accident. As such, his evidence at a belated stage in a situation when costs for the delay have also been awarded in favour of the respondent/revisionist cannot be construed as any misuse of the due process of law.

5. No merits.

6. Dismissed.

29.04.2019

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No