

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 113 of 2020

- Leelawati Baitha D/o Shri Ramkumar Baitha, Aged About 33 Years, R/o Near Saraswati School Dadar Road Bhilai-3, Police Station and Tehsil Bhilai-3, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner/Applicant

Versus

1. Deepak Kumar Choudhary S/o Rajkumar Choudhary, Aged About 30 Years, R/o Near Rajkumar Hotel Zone-3, Priyadarshani Market Khursipar, Police Station Khursipar, District Durg, Chhattisgarh. (Driver), District : Durg, Chhattisgarh
2. Rajkumar Choudhary S/o Ramgati Choudhary, Aged About 50 Years, R/o Near Rajkumar Hotel Zone-3, Priyadarshani Market Khursipar, Police Station Khursipar, District Durg, Chhattisgarh. (Owner), District : Durg, Chhattisgarh
3. Branch Manager Bajaj Alliance General Insurance Company Limited, Through Branch Office, Shiv Mohan Bhawan, Vidhan Sabha Road Pandari Raipur, Tehsil and District Raipur, Chhattisgarh. (Insurer), District : Raipur, Chhattisgarh

--- Respondent/Non-applicants

For Petitioner – Shri Avinash Chand Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

25-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 10-12-2019 passed by the learned Fourth Addl. MACT, Durg, Chhattisgarh closing the opportunity of the petitioner for producing evidence.
2. It is submitted that the petitioner who is a claimant before the Tribunal had prayed for issuance of summons to the witness Doctor Gaurav Khemkha. On non-appearance of the said doctor despite service of summon, the petitioner then filed application for examination of the doctor on commission, but, the application was rejected and the opportunity of the petitioner was closed.
3. As the claim case is based on the accidental injury caused to the petitioner, therefore, non-examination of the medical witness shall be detrimental to the interest of the petitioner. Hence, in the interest of justice it is prayed that this petition be allowed and the opportunity be granted to the petitioner.

4. Considered on the submission made and also perused the copy of order sheets filed.

5. No doubt, in a motor accident claim case based on accidental injury examination of the medical witness is very much essential and therefore, the petitioner should have been granted one more opportunity for summoning the medical witness in proof of his case. Hence, the petition is disposed off at the motion stage. The impugned order to the extent by which the opportunity of the petitioner has been closed is set aside and the learned concerned Addl. MACT is directed to provide one more opportunity to the petitioner for summoning the medical witness in support of his case.

6. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge