

S.No.131

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

CR No.412 of 2020

Date of Decision:20.01.2020

Bala Devi

.....Petitioner

Vs.

Satbir Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gourav Jain, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 10.01.2020 passed by the Court of learned Motor Accident Claim Tribunal (MACT), Fatehabad (Annexure P.8); in claim petition bearing Case No.MACP/97/2019 captioned as “Bala Devi Versus Satbir Singh and others”, vide which evidence of present petition has been closed by Court order.

It is contended by counsel for the petitioner that the Court below has gone wrong in law in closing the evidence of the petitioner/claimant in the accident claim petition; despite the fact that on the said date; one witness was duly examined before the trial Court. It is further submitted by counsel for the petitioner that on the earlier dates, the witnesses could not be examined by the petitioner because of the factors beyond the control of the petitioner. However, now the petitioner would examine all her witnesses on one date only. Therefore, opportunity to lead the evidence of the petitioner is prayed for.

In view of the order being passed hereinbelow, this Court does

not deem it necessary to issue notice to the other side.

Having heard learned counsel for the petitioner and having perused the case file, this Court does not find any patent illegality or irregularity, with the order passed by the Court below as such. However, the fact remains that the claim petition is of the year 2019 only. The petitioner herself is an injured person, qua whom the claim petition has been filed. Therefore, the submission of counsel for the petitioner that the non-production of the witnesses on the previous dates was for the reasons beyond the control of the petitioner; does not deserve to be brushed aside altogether. In any case, since the petitioner has already started the process of examining her witnesses, therefore, it would not be unjustified if the petitioner is granted one more effective opportunity to complete her evidence in support of her petition.

Accordingly, the present petition is disposed of with a direction to the trial Court to provide one effective opportunity to the petitioner to lead her evidence/ examine her witnesses; in support of her claim petition.

Disposed of.

January 20, 2020
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No