

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104)

CR no.3800 of 2018

Date of Decision: 19.02.2020

Surender @ Parmod

...Petitioner

Versus

Hitender and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Pawan Singh, Advocate, for the petitioner.
Mr. V. Ramswaroop, Advocate,
for the respondent-insurance co.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner challenges the order of the learned Motor Accident Claims Tribunal, Jhajjar, dated 11.04.2018, by which his application seeking to lead additional evidence has been dismissed, with it stated that it was moved at a stage that rebuttal evidence had to be led by the petitioner, with him seeking to examine the Clerk/Record Keeper of the hospital along with the treatment record, but with, however, the name of the hospital not mentioned.

Learned counsel for the petitioner however points to the fact that in the application seeking to lead additional evidence (copy Annexure P-2), the name of the hospitals and stores from which (he is stated to have) purchased medicines for his treatment, have been given in detail, with it seen that the application shows the names of 14 hospitals/medical stores etc., the record of which the petitioner wishes to lead by way of additional evidence, by examining the Record Keepers concerned/Clerks of the said hospitals/medical stores.

Upon query to the learned counsel as to why the application had been moved at such a belated stage before the Tribunal, he submits that the petitioner being handicapped due to the accident, to the extent of a 100% disability, and he in fact being bed-ridden, the evidence could not be led on time, his father having died earlier.

He has also produced a photocopy of a disability certificate shown to be exhibited as Ex.P-1 before the Tribunal, dated 02.08.2017.

Naturally, upon query to learned counsel for the respondent-insurance company, Mr. V. Ramswaroop, Advocate, he could not deny the factum of the disability certificate having been exhibited and the contents thereof, with him otherwise submitting that the order does not deserve to be interfered with, the application having been filed at a belated stage.

Having considered the matter, looking at the certificate (Ex.P-1), but with this court making no comment on the merits thereof, whatsoever, this petition is allowed, with the petitioner permitted to lead additional evidence in terms of his application dated 09.01.2018, (filed before the Tribunal).

Consequently, the impugned order is set aside.

19.02.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes