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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 28/2020

SAKENDER Petitioner

Through: Ms. Sushma Sharma, Advocate.

versus

GHANSHYAM & ORS Respondents

Through: Mr. Dalip Kr. Chhabra and Mr. Yajur Chhabra, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **20.01.2020**

The petitioner seeks one more opportunity to lead evidence in the case which was remanded to the learned Tribunal for adducing additional evidence on behalf of the petitioner.

In the petitions, seeking claim for compensation, arising out of the unfortunate accidents which may have caused fatality or serious injuries to the parties, the aggrieved parties are as it is, extremely harried and in a difficult phase of life and they may not be familiar with the manner in which the complaints are to be prosecuted before the learned Tribunal.

The learned counsel for respondent no. 3 submits that the petitioner has already exhausted the opportunities granted to him by this Court. He further submits that a subsequent application filed before this Court was withdrawn by the petitioner.

The learned counsel for the petitioner submits that the evidence, which is now sought to be adduced, was delayed on account of the fact that the injured-petitioner was having some difficulty in finding out the details of his batch-mate from college, who being similarly placed is earning an amount more than ten times of what the petitioner's last earnings were. She further submits that this evidence would be relevant for assessing the 'loss of future prospects' and if the same is not brought on record, the petitioner would suffer irreparable prejudice.

The Court is of the view that each party should be accorded due opportunity to lead its respective evidence, especially in proceedings before the learned MACT, which are in the nature of an inquiry.

In the circumstances, the petitioner is permitted to lead evidence before the learned Tribunal within a period of two weeks from the date when the case is next fixed before the learned Tribunal.

It will be open to the learned Tribunal to pass appropriate orders apropos interest, for such period during which the proceedings may have been delayed on account of the petitioner.

The petition is disposed-off in terms of the above.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JANUARY 20, 2020

AB