

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

CR No.7379 of 2017

Date of Decision: 30.03.2022

M/s Jujhar Constructions & Travels Pvt. Ltd.

.....Revisionist-petitioner.

Versus

Gurtej Singh @ Gutej Singh and others

.....Respondents.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Surinder Gandhi, Advocate
for the revisionist-petitioner.

Mr. Karunesh Kaushal, Advocate for
Mr. Vivek Suri, Advocate
for respondent No.1.

Mr. Vijiyesh Malhotra, Advocate for
Mr. Sandeep Suri, Advocate
for respondent No.3.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision petition, the petitioner-Company (respondent No.2 before the Tribunal) has laid challenge to the order dated 16.10.2017 (Annexure P-2) passed by the MAC Tribunal whereby the application moved by it for seeking permission to lead additional evidence by way of examining its Manager named Pritpal Singh, as its witness, has been dismissed.

The facts, in brief, culminating in the instant revision petition are that respondent No.1-claimant preferred a Claim Petition against the petitioner as well as respondents No.2 and 3 (arrayed as respondents No.1

and 3 in the petition) for seeking compensation on account of his having sustained the injuries in a motor vehicular accident. The petitioner moved the above-said application for leading additional evidence while averring that its above-named Manager had employed respondent No.2-driver after conducting the test qua his driving skills and after due verification of his driving-licence. However, the above-said witness could not be examined earlier despite exercising due diligence whereas his testimony would be relevant and essential for the effective and just adjudication of the matter in dispute. The said application has been dismissed by the Tribunal vide the impugned order.

It is worth-while to mention here that learned counsel for the petitioner submits that he does not want to seek any relief against respondent No.2 and therefore, the service of notice upon him for the purposes of this petition, may be dispensed with. Ordered accordingly.

I have heard learned counsel for the petitioner as well as learned counsel for respondents No.1 and 3 in the present petition and have also perused the file carefully.

A bare perusal of above-mentioned application Annexure P-3 reveals that throughout in its averments as canvassed therein, the petitioner-Company has not come forward with any fair, candid and plausible version as to how it had exercised the due diligence for examining the above-said Manager at the time of initially leading its evidence before the Tribunal and what were those unavoidable circumstances which had prevented it from doing so.

Further, though the petitioner has mentioned in its said application that the afore-named Manager had appointed respondent No.2 as the driver for the offending vehicle but again, the fact remains that it has categorically been observed by the Tribunal in Para No.4 of the impugned order that respondent No.2, i.e the petitioner herein, did not produce any verification report in respect of the driving licence of respondent No.1, i.e present respondent No.2 and rather, respondent No.3-insurance company had placed the verification report qua the said driving licence, on the file. Thus, it is explicit that the petitioner has also not been able to show as to how the oral testimony of the said proposed witness-Manager would be relevant, material and essential for the proper, just and effective adjudication of the real controversy between the parties qua the validity of the driving licence of the said respondent.

Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, perversity or irregularity so as to warrant any interference by this Court.

Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

March 30, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*