

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

Sr.No.114

CR No.726 of 2022

Date of Decision: 01.04.2022

Go Digital General Insurance Company Limited

...Petitioner

Versus

Raj Rani and others

...Respondents

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

Present: Mr. Vishal Aggarwal, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant revision petition, the petitioner-Insurance Company (arrayed as respondent No.3 in the claim petition preferred by respondents No.1 to 4) lays challenge to the order dated 02.02.2022 (Annexure P-6) passed by the MAC Tribunal, Patiala, whereby its (petitioner's) application for recalling CW-2 Parwinder Kaur for her further cross-examination, has been dismissed.

As per the brief factual-matrix leading to the filing of the present revision petition, respondents No.1 to 4 preferred a claim petition against the petitioner as well as the driver and owner of the offending vehicle bearing registration No.PB-11-BP-3600, while averring that Bhola Singh, the husband of respondent No.1, father of respondents No.2 and 3 and son of respondent No.4, had suffered fatal injuries in the accident caused by respondent No.5 by driving the said vehicle in a rash and negligent manner at a high speed. The afore-named CW-2 is stated to be

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an eye-witness to the said accident and she has already been cross-examined as such. However, the Investigator deputed by the petitioner-Insurance Company for looking into the factual aspects of the said accident submitted his report on 25.08.2021 regarding the afore-named witness having not been found to be residing at the given address and the petitioner intended to further cross-examine her (CW-2) on this point and hence, it moved the above-said application for this purpose but the same has been dismissed vide the impugned order.

I have heard learned counsel for the petitioner in the instant revision petition and have also perused the file carefully.

Learned counsel for the petitioner contends that the afore-said report was submitted by the Investigator after the examination of CW-2 before the Tribunal and therefore, the said witness is, now, required to be further cross-examined on the point of her address which is reported by the Investigator to have been found to be fake and it being so, the impugned order is not legally sustainable.

However, I do not find any merit in the above-raised contention because it was entirely for the petitioner-Insurance Company to collect all the necessary information or material from any quarter it desired, before cross-examining the afore-said CW-2 and it also had the option to make a request to the Tribunal to defer her further cross-examination while informing that the report of its Investigator was likely to be received shortly. Moreover, it has also been categorically observed in para No.4 of the impugned order that the copy of the statement of said

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CW-2, as recorded under Section 161 Cr.P.C during the investigation of the criminal case registered in respect of the accident in question, was also annexed in the Challan as Ex.P11 and the same address, as disclosed by her, also finds mention in the copy of her Aadhar Card. To add to it, as per the version set-forth by the claimants in the claim petition Annexure P-1, the above-named deceased was a pillion rider on the motorcycle being driven by his son Lovepreet Singh at the time of the said accident and therefore, at this stage, it cannot be inferred that CW-2 is the sole eye-witness to the alleged accident.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

01.04.2022
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>