

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

137

**CR-2164-2022
Decided on : 26.05.2022**

Sudesh and others

... Petitioner(s)

Versus

Naveen and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Naveen Kashyap, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

By way of present revision petition filed under Article 227 of the Constitution of India, learned counsel is seeking the setting aside of the order dated 12.05.2022 (Annexure P-6), passed by learned MACT, Rohtak (in short 'Tribunal'), vide which the application filed by the petitioners for adducing additional evidence, has been dismissed.

Learned counsel for the petitioners submits that no doubt after the evidence has been closed by the court's order, the petitioners/claimants did approach this Court for setting aside the said orders. Thereafter, one opportunity was given to them for examining a witness. However, as the summons could not be served upon the said witness, they were unable to examine him before the Tribunal. Learned counsel submits that petitioner/claimant No.1, is a widow, having lost her husband in the accident in question, along with the other claimants, would be greatly prejudiced in case one last opportunity is not granted to them for adducing the additional evidence.

In support of his arguments, learned counsel has invited the attention of this Court to Annexure P-8, which is a photocopy of the duly

sworn-in affidavit of one Channa s/o Harikishan, the alleged eye-witness to the accident in question, who, the petitioners/claimants want to examine before the Tribunal, in support of their case.

Heard.

In the facts and circumstances of the case, without issuing notice to the respondents, to avoid any further delay as well as the expenses which they shall have to incur to defend these proceedings, the impugned orders dated 12.05.2022 (Annexure P-6) is set aside. The instant revision petition is allowed and one last opportunity is granted to the petitioners/claimants to adduce additional evidence, which shall, however, be subject to payment of costs in the sum of Rs.2500/- to be deposited with the District Legal Services Authority, Rohtak.

It is made clear that no further opportunity shall be granted to the petitioners/claimants to adduce the additional evidence.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*