

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

CR No. 5130 of 2019

DATE OF DECISION :- December 01, 2022

Situ Kumar

...Petitioner

Versus

Manesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. R.K. Saini, Advocate for the petitioner.

As per office report, respondent No. 1 has been served through his counsel in the trial Court but has not come present. He is proceeded against ex-parte.

The order under challenge in this revision petition is dated 5.7.2019 passed by Motor Accident Claims Tribunal, Hisar vide which evidence of petitioner was closed by order and case was fixed for evidence of respondents.

Learned counsel for the revisionist states that petitioner Situ Kumar had suffered serious injuries in a road side accident caused on account of rash and negligent driving of a Car by respondent No. 1 Manesh Kumar regarding which he has filed claim petition, which is pending before Motor Accident Claims Tribunal, Hisar; the examination of a doctor is required to bring on record the medical evidence which is necessary for just decision of the claim petition and in case that evidence is not brought on record, the Tribunal may not be able to decide the claim petition in a proper and appropriate manner.

After hearing learned counsel for the revisionist and going through the record I find that keeping in view the facts and circumstances an opportunity should be given to the claimant to bring on record medical evidence.

Therefore, the revision petition is accepted. The impugned order closing the evidence of the revisionist by order is set aside with a direction to the Tribunal to allow the claimant to examine the doctor since it is stated that the doctor who had originally examined the injured namely Dr. Jagdish Acharya Goswami has also expired and another doctor conversant with hand writing and signatures is to be examined. The Tribunal is directed to fix a date for such purpose and on that date claimant would bring the doctor before the Tribunal and get his statement recorded. If for any reason the claimant is unable to cause appearance of the doctor in the Court on the date fixed then the Tribunal may consider grant of another opportunity to the claimant for that purpose in the interest of justice.

(H.S. MADAAN)
JUDGE

December 01, 2022

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No