

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

CR-6908-2017 (O&M)

Date of decision: January 09, 2023

Kuldeep

....Petitioner

versus

Sallam and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Saurabh Dalal, Advocate for the petitioners.

None for respondent No.1.

Mr. V.D. Sharma, Advocate for respondent No.2.

Mr. Raj Kumar Bashamboo, Advocate and

Mr. Vikas Sharma, Advocate

for respondent No.3-Insurance Company.

ARUN MONGA, J. (ORAL)

Present revision petition is against the impugned order dated 01.09.2017 passed by learned Motor Accidents Claims Tribunal, Jhajjar, whereby application of the petitioner/ claimant for additional evidence has been dismissed.

2. Learned counsel for the petitioners *inter alia* contends that the petitioner has suffered 100% disability in the accident. Being in hospital, he could not be examined in time. Indulgence was granted by the Tribunal and thereafter, he was examined on 08.08.2017. The non-mentioning of PWs now sought to be examined by way of additional evidence was on account of lack of interaction of the petitioner with his counsel.

3. I have heard learned counsel for the parties and perused the record.

4. Despite service, none appears on behalf of contesting respondent No.1. It seems that no prejudice will be caused in case petitioner is accorded one opportunity to adduce additional evidence as the delay which is likely to be caused in the pending proceedings, if at all, is detrimental to the petitioner herein who is claimant before the learned MACT.

5. In view of the aforesaid, the revision petition is allowed. Petitioner be given one opportunity to adduce additional evidence as prayed for. It is, however, made clear that petitioner shall be only accorded one opportunity to adduce additional evidence and in case, he fails to do so, his right shall stand foreclosed.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 09, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No