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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2093-2023 (O&M)

Date of decision: April 26, 2023

Dharshan and another

....Revisionists

versus

Mohan and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Akshit Mehta, Advocate for revisionists.

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside impugned order dated 31.03.2022 (Annexure P-5) passed by learned Motor Accidents Claims Tribunal, Palwal (for brevity, 'Tribunal') whereby evidence of revisionist/claimants was closed, and further to set aside impugned order dated 16.03.2023 (Annexure P-7) passed by learned Tribunal, whereby application filed by revisionists for summoning witness i.e., Investigating Officer, namely Head Constable Govind to prove FIR and final report registered and filed regarding accident in question, was dismissed.

2. The revision petition is premised on the averments that revisionists filed claim petition (Annexure P-1) seeking compensation to the tune of Rs.20 lakh on account of death of their daughter Pooja in a motor vehicular accident. Issues were framed on 19.09.2019. Vide impugned order dated 31.03.2022 (Annexure P-5) on the statement made by learned counsel for revisionist/claimants, their evidence was closed inadvertently. Further, vide another impugned order dated 16.03.2023 (Annexure P-7), learned Tribunal dismissed the application for adducing additional evidence by way of summoning eyewitness i.e., Investigating

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Officer, namely Head Constable Govind to prove FIR and final report registered and filed regarding the accident in question.

3. Given the nature of order being passed, there is no necessity to issue notice to respondents, as no serious prejudice would be caused to them. Notice to respondents is thus dispensed with.

4. I have heard learned counsel for revisionists and perused the case file.

5. Since peculiar argument of learned counsel for revisionists is that they should not suffer for the fault of learned counsel representing them before learned Tribunal who had inadvertently, under a mistaken understanding/communication, made a statement before learned Tribunal that since evidence i.e., Investigating Officer in FIR No.177 dated 20.05.2018 had not turned up on 31.03.2022, therefore, he closed evidence on behalf revisionist/claimants. Learned counsel further contends that testimony of concerned Investigating Officer is very much relevant and goes to root of the matter since not only occurrence of the evidence, but even registration of FIR has been denied by respondent No.3-Insurance Company.

6. In the aforesaid premise, revision petition is allowed and the impugned orders are set aside. Revisionists shall be given one effective opportunity to examine concerned Investigating Officer subject of-course to discretion of learned Tribunal to adjourn the matter depending upon exigency of work before it.

7. Disposed of, accordingly.

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

(ARUN MONGA)
JUDGE

April 26, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No