

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

**Civil Revision No. 4095 of 2023(O&M)  
Date of Decision: 24.07.2023**

**Sachin** **...Petitioner**

**Versus**

**Sachin & Ors.** **...Respondents**

**CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:- Mr. Rishab Garg, Advocate  
For the petitioner.**

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**KARAMJIT SINGH, J.**

1. The present revision petition has been filed by the petitioner/claimant against the order dated 29.05.2023 passed by MACT, Gurugram in case No. MACP-381-2022 whereby the evidence of the petitioner has been closed by order by the said Tribunal.

2. I have heard the counsel for the petitioner who made prayer that one last opportunity be granted to the petitioner to conclude his evidence. The counsel for the petitioner further submits that the claim petition has been filed by the petitioner on account of the injuries/ physical disability suffered by him in a motor vehicular accident and the petitioner intends to examine the concerned doctor to prove his medical treatment record/ disability certificate and for that purpose diet money was also deposited with the Tribunal but the Tribunal passed the impugned order.

3. From the perusal of Annexure P-1 it is apparent that petitioner suffered head injury and other grievous injuries in a motor vehicle accident caused by respondent No.1 and petitioner filed petition under Section 163-A of the Motor Vehicles Act for grant of compensation. After framing of issues the petitioner availed three opportunities to adduce his evidence and

thereafter the impugned order was passed. The counsel for the petitioner has apprised the Court that in order to examine the concerned doctor the petitioner had already deposited diet money but he failed to procure the presence of said witness and finally the evidence of petitioner was closed by order.

4. The provision of Section 163-A of the Motor Vehicle Act is a benevolent provision and further strict provisions of CPC are not applicable to proceedings before the MACT. Furthermore, it appears that the petitioner has suffered physical disability and besides diet money was also deposited by the petitioner to summon the concerned doctor. The very foundation of the claim petition is dependent on the testimony of treating/ attending doctor. Thus, the impugned order is not sustainable in the eyes of law and is accordingly set aside.

5. For the foregoing reasons, it is deemed appropriate to grant one more opportunity to the petitioner to conclude his evidence and in case diet money of the witness is deposited, then it is the duty of the Tribunal to examine the said witness by ensuring his presence. The present petition stands disposed of in aforesaid terms.

6. Given the nature of order being passed, there is no necessity to issue notice of motion at this stage to the respondents. However, liberty is granted to the respondents that if they feel dissatisfied with this order, they may move an application to recall the same.

**24.07.2023**

Jiten

**(KARAMJIT SINGH )  
JUDGE**

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

**Whether reportable : Yes/No**