

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

109

**CR-5067-2023
Decided on : 02.09.2023**

NITESH

... Petitioner

Versus

DAYANAND AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kanwar Abhay Singh, Advocate
for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Nitesh (respondent No.1 in the claim petition) has filed present revision petition challenging the order dated 07.08.2023 whereby the application for leading additional evidence filed by respondent No.1-Dayanand (claimant) has been allowed, wherein, claimant prayed for examination of the Civil Surgeon, Gurugram in order to prove his disability certificate dated 24.03.2021.

Learned Motor Accident Claims Tribunal has allowed the prayer of the claimant noticing the fact that earlier, said witness could not be examined because the certificate was issued at the last stage of evidence of the respondent No.1 herein (petitioner/claimant). Even, insurance company (respondent No.2 herein) has given **“no objection”** over the application moved by the respondent No.1 (claimant).

2. Counsel for the appellant argues that the provisions of Civil Procedure Code and Indian Evidence Act are to be applied strictly, and therefore, at this belated stage, claimant could not be given chance for leading additional evidence.

3. I have considered the submissions addressed by the counsel for the petitioner and am in agreement with the observation given by the learned Tribunal that for proving the nature of the injury sustained in the roadside accident which resulted into the permanent physical disability of the injured/claimant, said evidence is required to be there on the record for considering the same at relevant stage.

4. This Court is not in agreement with the submission of applying

the law of additional evidence strictly because the provisions of Civil Procedure Code and Indian Evidence Act (procedural laws) are not the handmaid of justice and it is not expected to create hindrance in delivering justice. Thus, they are not to be applied in strict sense to oust the victim's family from availing the rights which have also been covered under the beneficial legislation for the purpose of their resettlement/rehabilitation etc.

5. Needless to mention here that the provisions of the Motor Vehicles Act in regard to the remedy of filing of the petition are to be construed liberally because the statute is a beneficial legislation for the injured or the victim(s) and their dependants.

6. Even, at the time of the hearing of the arguments before this Court, counsel for the appellant failed to satisfy this Court that on what account, the rights of the petitioner (respondent in the claim petition) are prejudiced, if the prayer made by the respondent No.1 (claimant) is allowed.

7. Considering the impugned order to be well reasoned, I do not find any substance or reason to disturb the same.

8. Accordingly, the present revision petition stands **dismissed**.

(SANJAY VASHISTH)
JUDGE

September 02, 2023
Lavisha

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>