

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-5980-2023 (O&M)
Date of Decision : 30.10.2023

Alijaan @ Bhola @ RamjanPetitioner

Versus

Shriram General Insurance Co. Ltd. and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. G.C. Shahpuri, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

CM-19978-CII-2023

Prayer in the instant application filed under Section 151 of CPC is for placing on record copy of zimni orders passed by learned Tribunal as Annexures P-4 to P-12.

Allowed as prayed for subject to all just exceptions.

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1. Challenge in the present revision petition is to the order dated 28.07.2023 (Annexure P-3) passed by learned Motor Accident Claims Tribunal, Chandigarh in MACP No.66 of 2019 titled as 'Alijaan @ Bhola and another Vs. Ravi Kant and others' whereby evidence of petitioner/claimant has been closed by order.

2. Learned counsel for the petitioner submits that on 14.10.2022 the petitioner/claimant No.1 was examined as PW-1 and the matter was adjourned to 07.11.2022 for remaining claimants evidence.

However, on next 03 dates i.e. 07.11.2022, 06.01.2023 and 27.02.2023

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the claimants could not produce any witnesses and the case was adjourned to 10.04.2023. Since the Presiding Officer was on leave on 10.04.2023, the case was taken up on 06.04.2023 and adjourned for 17.05.2023. On 17.05.2023 the claimants again could not produce any witnesses and the case was adjourned to 28.07.2023 with last opportunity to the claimants to produce their witnesses and on 28.07.2023 the impugned order has been passed. He submits that multiple times the claimants have requested the eye-witness Jasmit (PW-2), however, he did not appear before the Tribunal. He further submits that great prejudice would be caused to the petitioner/claimant No.1 if Jasmit and Rajdeep being the eye-witnesses are not allowed to be examined and seeks two effective opportunities for the said purpose.

3. I have heard learned counsel for the petitioner and perused the relevant documents.

4. Keeping in view the above factual position, it would be appropriate to grant two effective opportunities to the petitioner/claimant No.1 to conclude his evidence. Consequently, the order dated 28.07.2023 (Annexure P-3) passed by learned Motor Accident Claims Tribunal, Chandigarh is set aside and the petitioner is granted two more effective opportunities to conclude his evidence subject to payment of Rs.5,000/- as costs to be paid to respondent No.1 on the next date of hearing before the Tribunal. The petitioner/claimant would be required to conclude evidence on the next date of hearing stated to be fixed for 28.11.2023 and one date thereafter to be granted by the Tribunal.

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5. The instant revision petition is allowed in the abovesaid terms.
6. Keeping in view the relief claimed in the present petition, this Court is not inclined to issue notices to the respondents to avoid unnecessary expenditure which they will incur for their appearance and to engage a counsel.
7. Needless to say that the respondents would be at liberty for recalling of this order by moving an appropriate application, if so aggrieved.

30.10.2023

Kothiyal

Whether Speaking/reasoned

Whether Reportable

(NAMIT KUMAR)

JUDGE

Yes/No

Yes/No