

124.

2023:PHHC:145492

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

CR-6873-2023

Date of decision: 16.11.2023

MEENAKSHI AND ORS

.... Petitioners

Versus

RAMESH AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Pawan Attri, Advocate, for the petitioners.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 05.10.2023 (Annexure P-8) passed by learned Motor Accident Claims Tribunal, Kaithal, vide which the documentary evidence of the petitioners-claimants has been closed.

2. The brief facts, as culled out from the petition, are that the petitioners-claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of death of Satish Kumar, who is husband of petitioner No.1 and father of petitioners No.2 to 5, in an accident that took place on 17.08.2019. After completion of pleadings, issues were framed and the case was fixed for the evidence of petitioners. On 24.08.2023, their evidence was closed by court order and the case was fixed for leading documentary evidence on 14.09.2023. On 14.09.2023, since no documentary evidence was present, the case was adjourned to 15.09.2023 on

the request of learned counsel for the petitioners-claimants. On 15.09.2023, the Tribunal closed the documentary evidence of the petitioners-claimants by observing that two opportunities have already been availed for leading documentary evidence and further opportunity is not justified. By way of present petition, the petitioners are seeking one more effective opportunity to lead documentary evidence.

3. Learned counsel for the petitioners submits that the petitioners-claimants want to lead documentary evidence i.e. PMR, ITR, medical record and report under Section 173 Cr.P.C. He submits that the petitioners would be satisfied if one opportunity is granted to them to lead said documentary evidence and they would not seek any other opportunity to lead evidence.

4. I have heard the submissions of learned counsel for the petitioners and have gone through the paper book.

5. Keeping in view the fact that the procedure is handmaid to the administration of justice and it is meant for advancement of justice; the petitioners should not be non-suited merely on procedural technicalities.

6. If notice of this petition is given to the respondents, then it may linger on the case and may cause financial burden on them.

7. So, in the interest of justice, present petition is disposed with a direction to the Motor Accident Claims Tribunal, Kaithal, to give one opportunity to the petitioners to lead documentary evidence i.e. PMR, ITR, medical record and report under Section 173 Cr.P.C. but subject to payment of costs of Rs.1,000/- to be deposited with the concerned District Legal Services Authority. The said documentary evidence shall be brought by the petitioners-claimants at their own responsibility.

8. If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

(GURBIR SINGH)
JUDGE

November 16, 2023
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No