

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

135

2024:PHHC:026222

CR-5151-2017

Date of decision: 26.02.2024

PRIYANKA DEVI AND ORS

..Petitioners

Versus

HARENDER AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Singh Ghangas, Advocate
for the petitioner.

Mr. Pradeep Kumar, Advocate
for respondent No.3.

ANIL KSHETARPAL, J(Oral)

1. The petitioners before this Court have filed a claim petition under Section 140/166 of the Motor Vehicles Act, 1988, to claim compensation for the death of their predecessor Sh. Manjit, who died in an accident at a very young age.

2. In this revision petition, the correctness of the order dated 04.05.2017, passed by the Motor Accident Claims Tribunal (hereinafter referred to as the 'Tribunal') is assailed. An application filed by the petitioners for permission to lead additional evidence in order to examine Sh. Ajay Kundu, an eye-witness and SI Ram Singh Chauhan, Investigating Officer of FIR No.112 dated 15.03.2016, under Section 279/337/338/304-A/427 IPC with PS Chhapaar, District Muzaffar Nagar (UP), has been dismissed on the ground that deposition of one eye-witness has been recorded and the copy of the FIR has been exhibited.

4. In the opinion of the Court, the conclusion drawn by the Tribunal is conservative. The Tribunal has been set up to ensure that the

claimants of motor accidents are adequately compensated for the loss suffered by them. It is a beneficial piece of legislation for the claimants.

5. It is not the finding of the Tribunal that the evidence sought to be produced is irrelevant. In these cases, the Tribunal are expected to take holistic view while keeping in view the object sought to be achieved for establishing such Tribunals. The approach of the Tribunal should be pragmatic and sympathetic towards the claimants.

6. Keeping in view the aforesaid discussion, the revision petition is allowed. The order dated 04.05.2017, is set aside. The petitioners are permitted to examine the aforesaid two witnesses.

7. All the pending miscellaneous applications, if any, are also disposed of.

February 26th, 2024

Ay

(ANIL KSHETARPAL)
JUDGE

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