

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR-1867-2023 (O&M)
Date of decision: 16.01.2024

KARNAIL SINGH

..Petitioner

Versus

THE ORIENTAL INSURANCE COMPANY LTD AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Arvind Rajotia, Advocate
for respondent No.2 and 3.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the driver-cum-owner of Indica car bearing the registration plate No.PB-48C-4273, which is alleged to have been involved in an automobile accident resulting in death of late Sh. Satish Kumar. The claimants have filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, for grant of compensation, which is pending before the Motor Accident Claims Tribunal (hereinafter referred to as the ‘Tribunal’). The petitioner herein is aggrieved of the order passed by the Tribunal closing his evidence. The Court has closed the evidence on the ground that as many as 18 opportunities have already been granted to the petitioner to produce the evidence.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner while drawing the attention of the Court to order dated 13.09.2022, 20.09.2022, 15.11.2022, 29.11.2022, 20.12.2022, 10.01.2023 and 31.01.2023, submits that the petitioner is not at fault as he was making all the efforts to produce the proposal form submitted by the petitioner before the Insurance Company. He submits that the aforesaid proposal form is now in the custody of the I.T. Department located in the Head Office of the Oriental Insurance Company.
4. On the other hand, the learned counsel representing the respondent does not dispute the aforesaid position.
5. The various orders passed by the Tribunal on the abovesaid dates are reproduced as under:-

*“Present: Sh. Dapinder Singh Advocate for the claimant.
Sh. Nirbhai Singh Advocate for the respondent
no.1.*

No RW is present today. Summons issued to RW concerned clerk of Oriental Insurance Company Limited received back with the report that office of said Insurance Company is now in Sirhind, therefore, Ld. Counsel for the respondent no.1 is directed to furnish the complete/correct address of Insurance company and thereafter fresh summons be issued to concerned clerk of the said Insurance company for 20.09.2022. Remaining respondent evidence be also produced on the date fixed above, at own responsibility.

Date of Order: 13.09.2022

*Present: Sh. Dapinder Singh Advocate for the claimant.
Sh. Nirbhai Singh Advocate for the respondent
no.1.*

One Ravinder Kumar, Administrative Officer Branch, Sirhind Mandi, (Oriental Insurance Company) has come present and suffered statement that document mentioned in summons R/233603/31/2017/9694 to 07.09.2019 is in custody of Khanna Branch. Previously the said document was in Mandi Gobindgarh branch and Mandi Gobindgarh branch merged with Oriental Insurance Company branch G.T road, Khanna.

In view of the statement suffered by Ravinder Kumar, Ld. Counsel for the respondent is directed to do needful in this regard.

No RW is present.

Adjournment prayed. Same is allowed. Adjourned to 04.10.2022 for entire respondent evidence.

Date of Order: 20.09.2022

Present: Sh. Dapinder Singh Advocate for the claimant.

Sh. Nirbhai Singh Advocate for the respondent.

No RW is present today. Bailable warrants of concerned clerk of The Oriental Insurance Company Limited, branch office Khanna, received back unexecuted, therefore, fresh bailable warrants of RW concerned clerk of The Oriental Insurance Company Limited, branch office Khanna, be again issued for 22.11.2022.

Date of Order: 15.11.2022

Present: Sh.Dapinder Singh Advocate for the claimant.

Sh.Nirbhai Singh Advocate for the respondent.

File put up before me as the Ld.Presiding Officer is on leave. No RW is present. Bailable warrants of concerned clerk of Oriental Insurance Company, Khanna, not received back. Fresh be issued for 06.12.2022.

29.11.2022

Present: Sh. Dapinder Singh Advocate for the claimant.

Sh. Nirbhai Singh Advocate for the respondent.

RW Yashpal, Senior Divisional Manager, Oriental Insurance Company, Ludhiana, has come present and suffered statement that a date may be given to him to verify the document no. R/233603/31/2017/9694. In view of the statement suffered by RW Yashpal, he is bound down for 10.01.2023.

Date of Order: 20.12.2022

Present: Sh. Dapinder Singh Advocate for the claimant.

Sh. Nirbhai Singh Advocate for the respondent.

RW Yashpal, Senior Divisional Manager, Oriental Insurance Company, Ludhiana, has come present and suffered statement that document no. R/233603/31/2017/9694 does not relate to their office and the same is not issued by their office and no fees is deposited in their office regarding the said document.

No other RW is present today. Adjournment prayed. Same is allowed. Adjourned to 17.01.2023 for respondent evidence.

Date of Order: 10.01.2023

Present: Sh. Dapinder Singh Advocate for the claimant.

Sh. Nirbhai Singh Advocate for the respondent.

No RW is present today. Notice issued to RW Official Incharge of IT Department, Oriental Insurance Company Corporate, through RC not received back, therefore, fresh notice to RW official Incharge of IT Department, Oriental Insurance Company Corporate, be again issued for 08.02.2023. Summons be handed over dasti. Last opportunity is extended till then.

Date of Order: 31.01.2023

6. It is evident that the petitioners have been making all efforts to produce evidence to prove that the vehicle was insured with the Oriental Insurance Company.

7. Keeping in view the aforesaid facts, the revision petition is allowed. The order dated 08.02.2023, is set aside.

8. The Tribunal is requested to provide one effective opportunity to the petitioner. The Tribunal shall also issue summons to the concerned official of the Oriental Insurance Company.

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

January 16th, 2024

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**(ANIL KSHETARPAL)
JUDGE**

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