



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3115 of 2024 (O&M)
Date of Decision: 12.07.2024

Priya and another
..... Petitioners

Versus

Harjinder Singh and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mandeep Singh Sachdev, Advocate and
Ms. Meher Sachdev, Advocate
for the petitioners-claimants.

Service *qua* respondent Nos. 1 to 3 & 5 stands
dispensed with vide order dated 08.07.2024.

Mr. R.C. Kapoor, Advocate
for respondent No. 4-National Insurance Company Ltd., Nawanshahr.

HARKESH MANUJA, J. (ORAL)

CM-9328-CII-2024

Application is **allowed**, as prayed for, subject to all just
exceptions. Exemption from filing the certified / true typed copies of
Annexures P-1 to P-6 is granted.

MAIN CASE

The petitioners-claimants, by way of present revision petition,
seeks setting aside of an order dated 12.02.2024 (Annexure P-1) passed by
the Motor Accident Claims Tribunal, Jalandhar (**hereinafter to be referred
as “the Tribunal”**), whereby their application filed under Section 151 of
CPC, seeking permission to lead additional evidence regarding the income

of deceased-Jagdeep Singh, stands declined.

[2] In the present case, on account of unfortunate demise of one Jagdeep Singh in an vehicular accident dated 22.10.2017, the petitioners-claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal on 06.11.2017, wherein the issues were framed on 03.07.2019. Thereafter, they led their evidence and the respondents were afforded opportunity to establish their defence. When the claim petition was fixed for rebuttal evidence and final hearing, the petitioners-claimants moved an application for seeking permission to lead additional evidence for examining two witnesses, namely, Baldev Singh and Gurjeet Singh, for the purpose of proving income of the deceased. The aforesaid application was opposed at the instance of respondents and the same came to be declined by the Tribunal vide order dated 12.02.2024 (P-1), which has been impugned in the present petition.

[3] Learned counsel for the petitioners submits that the evidence sought to be adduced goes to the root of matter and would be necessary for complete and effective adjudication of the claim petition and thus, prays for setting aside of the impugned order (supra).

[4] On the other hand, learned counsel for respondent No. 4-Insurance Company vehemently opposes the prayer made on behalf of petitioners, while submitting that on earlier occasion, an application with similar prayer for seeking permission to lead evidence in the shape of the Investigating Officer was filed at the instance of petitioners, which came to be allowed. He further submits that at that stage, the petitioners-claimants never ever prayed for examination of the aforesaid witnesses, now sought to

be produced, and thus, were apparently negligent in pursuing claim petition. He also submits that for the delay on the part of petitioners-claimants, respondent No.4-Insurance Company was going to suffer towards payment of interest and as such, he claims that the impugned order warrants no interference.

[5] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submissions made on behalf of the petitioners.

[6] In the present case, the two witnesses, now sought to be produced, namely, Baldev Singh and Gurjeet Singh would enable petitioners-claimants to prove the income of deceased, which is the most relevant and essential factor to be determined in the claim petition filed at the instance of dependents of the deceased in a motor accident. Though, there appears to be some delay on the part of petitioners-claimants, however, keeping in view their substantial rights rather than adopting hyper-technical approach, the proceedings need to be dealt with pragmatically so as to enable them to put forth their case in an effective manner. In such circumstances, the evidence sought to be adduced by way of application for seeking permission to lead additional evidence, being relevant and necessary for the complete and effective adjudication of the claim petition, which would even help the Tribunal to decide the claim set up by the petitioners-claimants in an effective manner.

Moreover, the entire delay is not attributable to the petitioners especially when the application at their instance was filed before the Tribunal in the year 2022, whereas the same was adjudicated upon in

February, 2024 and thus, in the humble opinion of this Court, the argument raised on behalf of respondent No. 4-Insurance Company as regards the liability of interest for the reason of delay on the part of petitioners-claimants also has no substance.

[7] In view of the above, the prayer made in the present revision petition is accepted and the order dated 12.02.2024 (P-1) passed by the Tribunal is hereby set aside. The petitioner –claimants are permitted to examine the aforesaid two witnesses, namely, Baldev Singh and Gurjeet Singh on the date fixed before the Tribunal, i.e. 23.07.2024.

[8] **Disposed off** accordingly.

July 12, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No