



CR-854-2025

-1-

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

(130)

CR-854-2025

Date of decision: - 10.02.2025

Dilbag Singh and others

....Petitioners

Versus

Dipanshu (minor) and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vivek Suri, Advocate, and
Mr. Darpan Bansal, Advocate
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 20.12.2024 (Annexure P-12) passed by the Motor Accident Claims Tribunal, Rohtak whereby the evidence of the petitioners has been closed by order.

2. Learned counsel for the petitioners has submitted that the petitioners are claimants and had filed a claim petition under Section 166 of the Motor Vehicles Act on account of death of wife of petitioner No.1 and has submitted that the petitioners had produced one PW on 05.02.2024 whose cross-examination was completed on 04.03.2024. It is further submitted that an application (Annexure P-4) for summoning of



CR-854-2025

-2-

the witness HC Surender Singh alongwith relevant record was filed regarding which the diet money had also been paid and the zimni order, more so the order dated 20.11.2024, would show that the said HC Surender Singh was served but however he did not appear with the complete record and the evidence of the petitioner was closed by order. It is stated that the case before the Tribunal is now fixed for 03.03.2025 and in case the petitioners are not permitted to examine the eye witness and the said HC Surender Singh, then, irreparable loss would be caused to them. It is further stated that the delay, if any, would only cause prejudice to the petitioners since it is their claim petition. It is submitted that once the petitioners had deposited the diet money, it was incumbent upon the Tribunal to have adopted coercive steps to ensure the presence of the said witness i.e. HC Surender Singh instead of closing the evidence of the petitioners. In this regard, learned counsel for the petitioners has placed reliance upon a judgment of this Court in case titled as “**Abhey Malik (since deceased) through his LR Vs. Sadhu Ram and others**”, passed in ***CR-4624-2024, decided on 14.08.2024.***

3. Keeping in view the above-said facts and circumstances, the present revision petition is partly allowed and the impugned order dated 20.12.2024 is set aside to the extent that the evidence of the petitioners has been closed by order, with the following directions: -

- (i) Petitioners would be at liberty to examine eye witness on 03.03.2025, which is the next date of hearing before the Tribunal and the petitioners would also be permitted to examine HC Surender Singh and for the said purpose, the

petitioners would move an application before the Tribunal for summoning the said HC Surender Singh within a period of 10 days from today and would also deposit diet money and on their doing so, the Tribunal would summon the said HC Surender Singh in accordance with law for 03.03.2025 alongwith the relevant record.

- (ii) Needless to say that the respondents would also be given due opportunity to cross-examine the said witnesses.
- (iii) No cost is being imposed in the present petition, as the petitioners have filed the claim petition and the delay in the proceeding would primarily prejudice them and also in view of the procedure adopted by the Tribunal being in violation of law.

4. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further delay the proceedings and would also entail expenses for respondents in order to defend the present petition. However, it would be open to respondents to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

February 10, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No