



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

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CR No.2555 of 2025 (O&M)

Date of Decision :29.04.2025

Amina**.....Petitioner****Versus****Tahir and others****..... Respondents****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Tushar Gautam, Advocate for the petitioner.

VIKRAM AGGARWAL, J. (Oral):

The present revision petition is directed against the order dated 08.04.2025 (Annexure P-3), passed by the Motor Accidents Claims Tribunal Nuh, vide which the application, filed by the petitioner for producing additional evidence for examination of Kamlesh Meena, Sub Inspector (I.O.) and Dr. Aman Goyal, was dismissed.

2. Learned counsel for the petitioner submits that the driver of the offending vehicle was arrested and the offending vehicle was also taken into possession by Sub Inspector Kamlesh Meena of Police Station Jurhera. He further submits that the treating doctor Aman Goyal could not be examined from where the petitioner had taken treatment. It is urged that both these witnesses are required to be examined as their testimonies are necessary. It is submitted that one opportunity be granted to the petitioner to lead and conclude her evidence.

3. I have considered the submissions made by learned counsel for the petitioner.

4. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

5. Admittedly, issues were framed on 28.04.2022. After framing of the issues, the petitioner availed 12 effective opportunities for adducing her



evidence but only 3 witnesses were examined. Evidence of the petitioner was closed by her counsel on 08.05.2024 though evidence of the respondents was closed on 16.07.2024. Presently, the case is fixed for rebuttal evidence and arguments. Concededly, the petitioner has been remiss and negligent in pursuing her cause. However, it is equally true that in the event, she is not granted one more opportunity to examine both the witnesses, she shall suffer an incalculable loss as their testimonies would be important and would rather enable the Court to arrive at a just and fair decision in the matter. In the considered opinion of this Court, one more opportunity should be granted to the petitioner, for, this Court is of the considered opinion that matters should be decided on merits rather than on technicalities. Under the circumstances, I deem it appropriate to grant one effective opportunity to the petitioner to lead and conclude her evidence.

6. Accordingly, the revision petition is allowed and the impugned order dated 08.04.2025, is set aside. The Motor Accidents Claims Tribunal, Nuh, is directed to grant one effective opportunity to the petitioner to lead and conclude her evidence on a date to be fixed by it. This shall however, be subject to payment of costs of Rs.10,000/-, which shall be paid to the respondents.

(VIKRAM AGGARWAL)
JUDGE

29.04.2025
Manoj Bhutani

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