



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

FAO-453-2015

Date of decision : 02.09.2025

ORIENTAL INSURANCE COMPANY LTD

....Appellant

Versus

HAKAM SINGH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. D.P. Gupta, Advocate and
Mr. Shubham Gupta, Advocate for the appellant.

Ms. Palak Jain, Advocate for
Mr. Gopal Sharma, Advocate
for respondents/claimants No.1 to 3.

PANKAJ JAIN, J. (ORAL)

Challenge is to the award passed by MACT, Fatehgarh Sahib,
dated 01.10.2014.

2. The only objection raised to the award passed by MACT in the
main appeal was that the opportunity was not granted to cross-examine the
eye-witnesses and thus the Tribunal ought not have allowed the petition.

3. This Court on 1st of April, 2022 passed the following order:

“During hearing of the present appeal, it has come to the
notice of the Court that Sandeep Singh, the alleged eye witness,
tendered his affidavit, in lieu of the examination-in-chief on
23.04.2014 and on the request of the learned counsel representing
the Insurance Company, the case was adjourned to 07.05.2014. Sh.
Sandeep Singh, did not appear on 07.05.2014, 14.05.2014 and
02.07.2014. However, on 09.07.2014, Sh. Sandeep Singh appeared
to face cross-examination. However, learned counsel representing
the Insurance Company once again prayed for an adjournment.

Hence, the case was adjourned to 16.07.2014 and the witness was bound down. However, the claimant closed his evidence on 16.07.2014, without noticing that Sh.Sandeep Singh has not been cross-examined. The Tribunal has awarded compensation of Rs.3,29,000/- on account of death of late Sh.Gurdev Singh.

Keeping in view the aforesaid facts, let the parties be permitted to lead further evidence, including an opportunity to the Insurance Company to cross-examine the eye witness. The Motor Accident Claims Tribunal, Fatehgarh Sahib, is requested to grant two opportunities to both the parties to lead further evidence including the cross examination of Sandeep Singh.

Let a report be submitted to this Court within a period of 9 months, from today.

The office is directed to list the appeal after the report is received.”

4. Pursuant thereto, report has been received from the concerned quarter.
5. CW-1 Sandeep Singh has been cross-examined. Perusal thereof would reveal that he has proved the case of the claimants.
6. Counsel for the appellant could not highlight any contradiction in the testimony that can persuade this Court to take view different from the one already formulated by the Tribunal.
7. In view thereof, finding no merit in the present appeal, the same is ordered to be dismissed.

September 02, 2025

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No