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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 311/2025, CM APPL. 8916/2025, 8913/2025, 8914/2025 & 8915/2025**

PAWAN KUMAR

.....Petitioner

Through: Mr. Sumit Dagar, Advocate

versus

PRAKARTI RAWAT

.....Respondent

Through: Mr. Aakash Bhardwaj and Mr. Yash Rawat, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

14.02.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. Since the learned Judge holding the Roster Bench is on leave, the matter has been mentioned before this Bench through second supplementary list in post lunch session.
2. The petitioner has assailed order dated 28.01.2025 of the learned Motor Accident Claims Tribunal, whereby application of the petitioner for permission to summon and examine a witness from Uber to prove his location was dismissed, holding that in view of nature of those proceedings, summoning and examination of the said witness would not be relevant.
3. Learned counsel for respondent appearing on advance intimation accepts notice and opposes the petition.
4. It is contended on behalf of petitioner that through records of Uber, he would be able to establish before the Tribunal that at the time of the alleged



injuries suffered by the respondent, she was not even travelling in the car of the petitioner. In this regard, the petitioner has referred to printouts of screenshots (*pdf* 29-33). But it is pointed out by learned counsel for respondent that the said screenshots do not disclose that the same pertain to the offending car only. Further, it is pointed out by learned counsel for respondent that even according to the list of witnesses filed by the present petitioner, the record sought to be summoned from Uber is of some other driver and not of the present petitioner.

5. At this stage, keeping in mind the nature of proceedings before the Motor Accident Claims Tribunal, which are not a trial proceedings but an inquiry, learned counsel for respondent in all fairness concedes to granting one and only one opportunity to the petitioner to summon the witness from Uber subject to terms.

6. Therefore, subject to the petitioner paying cost of Rs. 10,000/- to respondent before the Tribunal on the date already fixed i.e., 18.02.2025, the present petition is allowed and petitioner is granted opportunity to summon the records from Uber. But it is made clear that one and only one opportunity shall be allowed in this regard by the Tribunal, unless despite service of summons, Uber does not produce record.

7. Accordingly, the pending applications stand disposed of.

GIRISH KATHPALIA, J

FEBRUARY 14, 2025/as

Click here to check corrigendum, if any