

(2025) 12 UK CK 0040

Uttarakhand HC

Case No: Appeal From Order No. 553 Of 2013

Rubi Devi And Others

APPELLANT

Vs

P.T.C. Clearing & Forwarding
Agency And Others

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Code Of Civil Procedure, 1908 - Order 41 Rule 27

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Mohd. Azim, K.K. Shah

Final Decision: Allowed

Judgement

Pankaj Purohit, J

1. Respondent Nos.1 and 2 did not appear before the Claims Tribunal and the matter was accordingly proceeded against them *ex parte*. Today, the matter is listed on the Application for Additional Evidence (IA/10277/2021) by which the appellants want to produce certain documents at the stage of appeal as additional evidence.

2. Objection to the said application has already been filed by the respondent no.3-Insurance Company.

3. I have perused the application for bringing on record the additional evidence. By means of the present application, appellants intend to invoke the jurisdiction of this Court under Order 41 Rule 27 C.P.C. to permit them to file additional evidence *viz.* 'charge-sheet, FIR, site plan and post-mortem report of the deceased' which could not be filed before the Tribunal. According to the appellants, aforesaid documents could not be provided to the lawyer appearing on their behalf before the Claims Tribunal.

4. Learned Counsel appearing for the Insurance Company has raised objection to the application on the ground that the documents were in possession of appellants and, therefore, the same should have been filed by them during pendency of claim and, therefore, now before the Appellate Court, they moved application to allow them to file these documents in evidence.

5. Having considered the rival submissions of the parties and having perused the application, this Court is of the view that this is a matter relating to death in a motor accident and the claim petition has been filed by the legal heirs of deceased Ranjeet Singh for compensation, and keeping in mind the fact that the Motor Vehicles Act is a beneficial piece of legislation, it would be in the fitness of things to allow the said application. Accordingly, the application for producing additional evidence (IA/10277/2021) is allowed. The documentary evidence annexed with the present application is taken on record. The objection filed by the insurance company stands disposed of accordingly.

6. Since the claim petition was rejected by the Tribunal due to lack of evidence on the part of appellants, therefore, at this stage, the matter is remitted back to the learned Tribunal. Impugned judgment and order dated 28.09.2013 passed by the MACT/Second Additional District Judge, Rudrapur, U.S. Nagar in MACP No.04 of 2010 (*Smt. Rubi Devi and others v. PTC Clearing and Forwarding Agency*) is set aside. The matter is remanded back to the Tribunal for hearing the case on merits after hearing the parties and after taking into consideration the evidence which has been filed by the appellants before this Court in accordance with law.

7. The appeal stands allowed accordingly.

8. Pending application, if any, also stands disposed of.