

Brahma Bai and Others Vs Dharam Singh and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 5, 1993

Citation: (1994) 1 ACC 127

Hon'ble Judges: G.C. Garg, J

Bench: Single Bench

Judgement

G.C. Garg, J.

This revision petition is directed against the order of the Motor Accidents Claims Tribunal, dated February 3, 1993

whereby the evidence of the petitioners has been closed by Order of Court.

2. While closing the evidence of the petitioners by Court order, the Tribunal noticed in the order that no PW was present nor summoned. It was

sixth effective opportunity for petitioners" evidence at own responsibility. So there was no justification for further adjournment for the purpose.

3. Learned Counsel for the petitioners submitted that the petitioners did not produce evidence as they had preferred another revision petition being

Civil Revision No. 432 of 1993 against the order of the Tribunal dated October 19, 1992 whereby their application for impleading legal

representatives of the registered owner of the offending bike had been dismissed. The Counsel further submitted that no useful purpose would have

been served had the petitioners produced their witnesses in the absence of registered owner. Learned Counsel appearing on behalf of the

respondents vehemently contended that there is no justification for granting more opportunity to the petitioners to produce evidence as they have

already been afforded seven effective opportunities for the purpose and that the petitioners at least should have produced evidence against the

driver of the alleged offending vehicle. He further submitted that since the petitioners have failed to do so, they must suffer for their negligence and

no leniency should be shown to them in the matter.

4. After hearing learned Counsel for the parties, I am of the considered view that the petitioners deserve to be given another opportunity to

produce their evidence especially in view of the fact that their another revision petition being 432 of 1993 has been allowed and the order of the

Tribunal dismissing application for impleading legal representatives of the registered owner as respondents has been set aside. In the circumstances,

this revision petition is allowed. Accordingly, the claimant-petitioners will be afforded two effective opportunities to produce their evidence after

the service is effected on the legal representatives of Yogeshwar Singh, registered owner of the alleged offending bike. This order is, however,

subject to payment of Rs. 100/- as costs payable to respondent No. 1 only as the other respondents are not represented by any Counsel. The

parties through their Counsel are directed to appear before the Tribunal on July 29, 1993.