

(1994) 03 P&H CK 0089
In the Punjab And Haryana At Chandigarh

S. Chet Singh and Another	Vs	APPELLANT
Punjab Roadways and Another		RESPONDENT

Date of Decision : 25-03-1994

Acts Referred:

Citation : (1994) 2 ACC 518

Hon'ble Judges : Amarjeet Chaudhary, J

Bench : Single Bench

Judgement

Amarjeet Chaudhary, J.—This appeal is greeted against the award of Motor Accidents Claims Tribunal, Amritsar, (hereinafter referred as "the Tribunal") dated August 7, 1990, vide which the Tribunal had dismissed the claim petition for the reason that the claimants had failed to lead any evidence to the effect that Jagjit Singh died as a result of rash and negligent driving of Bus No. PBS 9639 of Punjab Roadways.

2. The challenge to the award is that claimants could not adduce evidence as there were frequent strikes by the lawyers and it was not possible to produce the witnesses due to the circumstances prevailing at that time. The Counsel for the respondents has justified the order closing the evidence of the claimants.

3. On the consideration of the submissions and perusing the paper book and the Trial Court's record, I am convinced that the award of the Tribunal deserves to be quashed.

From the perusal of the record, it is revealed that the claimants could not lead evidence as during the trial of the claim petition there were frequent strikes by the lawyers and on some occasions there was curfew. The presence of the witnesses thus could not be produced due to the circumstances prevailing at that time. In the First Information Report which was tendered in evidence as Exhibit AY before the Tribunal, the particulars of the bus and that of the driver were duly mentioned. The same could have been proved by leading evidence. The Tribunal instead of closing the evidence, should have granted opportunity to the claimants

to adduce evidence by imposing costs. But this course was not adopted by the Tribunal which has resulted in miscarriage of justice to the claimants.

4. In this view of the matter, the award of the Tribunal is quashed. The case is remanded to the Tribunal which will grant two opportunities to the claimants to adduce evidence and then decide the case afresh. Dasti summons be given to the claimants to effect service on the witnesses.

5. The parties through their Counsel are directed to appear before Motor Accidents Claims Tribunal, Amritsar, on 29.4.1994 to receive further direction in the matter.