

**89 MACT 311/23**  
**RAJENDER SINGH Vs. VIKAT**

07.05.2025

**ORDER**

An application under Order 18 Rule 17 r/w Section 151 CPC is moved on behalf of petitioner Rajender Singh.

I have already heard submissions made. Record is perused.

1. It is submitted that PE was closed on ground that petitioner was absent and his medical documents were not available/filed on that day and the same is now attached with the application.

2. In reply to the application, it is stated by Ld. Counsel for respondents that the application is not maintainable because the petitioner has not approached to this present Tribunal with clean hands and suppressed the material facts. It is further stated that the medical document of the petitioner pertain to year 2022 whereas evidence was closed in May 2024.

3. Matter was at first fixed for evidence vide order dt. 20.11.2023 and as there is no insurance company involved in the matter, both parties were to bear their own cost towards recording of evidence through LC. However, it was informed only on the next date of hearing that they were unable to bear the cost of LC and hence, matter was posted for PE before the Court on 02.05.2024. On the said date, neither petitioner appeared for his testimony nor his evidence by way of affidavit was filed nor advance copy was

supplied to the opposite side. Though it was claimed that the petitioner was sick, no medical document was furnished on that day and further no explanation was given why list of witness and advance copy of evidence by way of affidavit could not be supplied to the other side. The medical documents as annexed with this application pertain to the year 2020 and there is nothing brought on record to suggest that petitioner was indisposed to appear before the Tribunal on 02.05.2024 for his evidence. However, in the interest of justice and for fair enquiry, one more opportunity is given to the petitioner to lead evidence subject to the condition that interest on compensation if any awarded in future, stands waived from 02.05.2024 till conclusion of PE and further it is made clear that this is the last opportunity given to the petitioner. Copy of evidence by way of affidavit of PWs and list of witnesses to the opposite side.

4. Put up for PE on **09.09.2025**.

**(Mayuri Singh)**  
**P.O. MACT (East)/Delhi**  
**07.05.2025**