

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.1405 of 2012(O&M)
Date of decision: 22.09.2015**

Sushil Kumar

....Appellant

Versus

Dharamvir and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. S.K. Yadav, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No.3.

RITU BAHRI J. (Oral)

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal') vide award dated 18.05.2011, on account of the injuries sustained by the claimant-appellant in a motor vehicular accident, which took place on 09/10.05.2006.

The compensation was assessed by the Tribunal in the absence of Disability Certificate.

Learned counsel for the appellant has placed on record the Disability Certificate (Annexure A-1), by way of application

under Order 41 Rule 27 CPC.

Reply to the aforesaid application has been filed by learned counsel for the insurance company today in the Court. The same is taken on record.

I have heard learned counsel for the parties and have gone through the record of the case.

As per Disability Certificate (Annexure A-1), the injured-claimant is suffering from Disability of 25%. The said Disability Certificate was issued by Pandit B.D. Sharma, PGIMS, Rohtak on 04.11.2011, whereas the Tribunal had given the award on 18.05.2011.

In order to prove the Disability Certificate, necessary evidence will have to be recorded by the Tribunal. The award is hereby set-aside and the matter is remanded back to the Tribunal for giving afresh decision after considering the Disability Certificate (Annexure A-1).

Disposed of, accordingly.

(RITU BAHRI)
JUDGE

22.09.2015

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