

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

**FAO No.6435 of 2013 (O&M)
Date of decision: 30.10.2015**

Jatinder Kaur and others

....Appellants

Versus

Som Raj and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vishal Munjal, Advocate
for the appellants.

Mr. M.B. Jain, 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, Pathankot (hereinafter referred to as 'the Tribunal') vide award dated 01.08.2013, on account of death of Lakhbir Singh in a motor vehicular accident, which took place on 30.03.2010.

Learned counsel for the appellants has placed on record the documents (Annexure A-1 to Annexure A-4) i.e. Salary Certificate, Identity Card, Pension Certificate and Identity Card of the Widow/War Widows of Ex-servicemen, by way of application

under Order 41 Rule 27 read with Section 151 CPC, stating therein that the claimants-appellants wants to lead additional evidence. Learned counsel for the appellants further contends that the compensation was assessed by the Tribunal without appreciating these documents.

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.

Keeping in view the fact that these documents (Annexure A-1 to Annexure A-4) are not taken into consideration by the Tribunal, this Court is of the considered opinion that necessary evidence will have to be recorded by the Tribunal in order to prove the documents i.e. Annexure A-1 to Annexure A-4. So, the award of the Tribunal dated 01.08.2013, is hereby set-aside and the matter is remanded back to the Tribunal for giving afresh decision after considering the documents (Annexure A-1 to Annexure A-4).

Disposed of, accordingly.

(RITU BAHRI)
JUDGE

30.10.2015
yakub