

FAO No.2150 of 2002(O&M)

In the High Court of Punjab and Haryana at Chandigarh

FAO No.2150 of 2002(O&M)
Date of Decision:4.10.2016

Lt. Colonel Gurjit Singh Brar

---Appellant

versus

Ifan Hussain and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Brig. Rajinder Kumar and
Mr. Gurcharan Dass, Advocate
for the appellant**

**Mr. Paul S.Saini, Advocate
for respondent No. 3**

REKHA MITTAL, J.

The present appeal has been directed against award dated 20.12.2001 passed by the Motor Accidents Claims Tribunal, Ambala (in short “the Tribunal”) whereby the claimant (injured-victim) has been

awarded a consolidated sum of Rs. 1,00,000/- in regard to the injuries sustained by him in a motor vehicular accident that took place on 3.2.1999.

The appellant has filed an application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure (in short “CPC”) for permission to adduce additional evidence of subsequent events qua assessment of disability.

Counsel for the parties are ad idem that the impugned order may be set aside with a direction to the Tribunal to make a fresh assessment head-wise and after permitting the parties to adduce additional evidence in regard to the reports annexures P-3 to P-5.

In view of the above, without going into merits of the controversy, the appeal is partly allowed. The award passed by the Tribunal is set aside with a direction to make fresh assessment after permitting the parties to adduce evidence with regard to documents annexures P-3 to P-5, in accordance with law and compensation shall be assessed head-wise. The parties through their counsel are directed to appear before the Tribunal on 27.10.2016. The Tribunal is directed to dispose of the matter within a period of two months from the date of parties putting in appearance. The

Registry is directed to send copies of annexures P-3 to P-5 appended alongwith CM No. 7151-CII of 2015 to the Tribunal.

(Rekha Mittal)
Judge

4.10.2016
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No