

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 2677 of 2012 (O&M)
Date of decision : March 04, 2016

Suresh Devi & Ors

..... Appellants.

v.

Vachittar Singh and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. MS Sachdev, Advocate
for the appellants.

Mr. Harsh Aggarwal, Advocate
for respondent No.5.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

C.M No.11545 CII of 2012

This is an application for condonation of delay of 699 days in filing the appeal.

Counsel for the respondent has no objection to the application being allowed.

Consequently, this application is allowed and delay of 699 days in filing the appeal is condoned.

FAO No.2677 of 2012

This appeal has been filed against the Award of the Tribunal

dismissing the claim petition on the ground that despite opportunities having been granted, evidence was not led.

Counsel for the appellants has argued that a perusal of zimni orders would reveal that in fact two effective opportunities were granted for leading evidence and in any case the Tribunal should not have taken such a pedantic view while dismissing the claim petition.

Counsel for respondent No.5 has fairly stated that the claim petition should normally be tried to be decided on merits and in the present case he would have no objection if the interest of the Insurance Company is kept in mind because if the appeal is allowed unconditionally, the Insurance Company would be foisted with interest even for the period during which it was not at fault.

Counsel for the appellants is not in a position to deny this prayer.

In the circumstances, this appeal is allowed, the impugned Award is set aside and the matter is remanded back to the Tribunal for a fresh decision on merits. However, it is clarified that the appellants would not be entitled to any interest from the date of decision of the Tribunal till today i.e from 3.1.2009 till 4.3.2016.

(AJAY TEWARI)
JUDGE

March 04, 2016
`kk'