

FAO-5348 of 2012

Date of decision: 17th October, 2016

Mohan Kumar

...Appellant

Versus

Surinder Singh & Anr.

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTALPresent: Mr. Parminder Singh, Advocate
for the appellant.Mr. Vinod K. Kanwal, Advocate for
Mr. Ashit Malik, Advocate
for respondent No.1.Mr. Krishan Kant, Advocate for
Mr. T. K. Joshi, Advocate
for respondent No.2.

REKHA MITTAL, J. Oral

The present appeal has been directed against the award dated 09.11.2011 passed by Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) whereby application for grant of compensation filed under Section 163-A of the Motor Vehicles Act(in short “the Act), in regard to injuries sustained by the appellant in a motor vehicular accident that took place on 24.10.2009, has been dismissed.

Learned counsel for the parties are ad idem that the judgment passed by the Tribunal may be set aside and the matter is remitted to the Tribunal for decision afresh after providing an opportunity to the appellant to examine a witness alongwith relevant record from LNJP, Hospital, Kurukshetra with an opportunity to the respondent(s) to adduce evidence to rebut additional evidence.

In view of the above, the appeal is partly allowed. The award

dated 09.11.2011 is set aside and the matter is remitted to the Tribunal for decision of the claim petition afresh. The appellant is permitted to examine a witness from LNJP Hospital, Kurukshetra to prove the MLR Ex. P-15 in accordance with law. After adducing additional evidence by the appellant, the respondents would be provided with an opportunity to lead evidence in rebuttal. The Tribunal shall put its best efforts to dispose of the case within a period 4 months from the parties putting in appearance.

The parties through their counsel are directed to appear before the Tribunal on 16.11.2016.

17.10. 2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether reportable: *Yes/No*