

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

**FAO No.405 of 2013 (O&M)
Decided on: 21.10.2016**

Jagdeep Singh and another

....Appellants

Versus

Paramjit Ram and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. A.P.S. Mann, Advocate for the appellants.

Mr. Baljinder Singh Sra, Addl. A.G., Punjab.

REKHA MITTAL, J. (Oral)

CM No.13030-CII-2016

Allowed as prayed for.

Annexures A-1 to A-6 are taken on record subject to just exceptions.

Disposed of accordingly.

MAIN CASE

The present appeal has been directed against award dated 25.07.2012 passed by the Motor Accident Claims Tribunal, Hoshiarpur (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Manjit Kaur in a motor vehicular accident.

Counsel for the appellants would submit that compensation awarded by the Tribunal is inadequate and liable to be enhanced. It is argued that the claimants filed an application for adducing additional evidence in order to produce and prove the documents namely *Jamabandi*, Pension Book, Bank Passbook and Death Certificate but the same was dismissed by the Tribunal vide order dated 16.07.2012

that was passed few days before the claim petition was decided on 25.07.2012, therefore, there was no opportunity with the claimants to challenge the said order before this Court in an appropriate proceedings. It is further argued that as the documents i.e. *Jamabandi*, Pension Book and Bank Passbook are material and relevant for deciding quantum of compensation, the impugned award may be set-aside with liberty to the claimants to adduce additional evidence in pursuance of the application filed before the Tribunal.

Counsel representing respondents No.2 to 4 has got no objection if the claimants are permitted to adduce additional evidence as prayed for.

In view of the above, the appeal is partly allowed, the award passed by the Tribunal is set-aside and the application filed by the claimants for adducing additional evidence is allowed with liberty to the respondents to rebut the additional evidence. The matter is remitted to the Tribunal for adjudication afresh only *qua* quantum of compensation on the basis of materials already on record as well as additional evidence to be adduced by the parties. The parties through their counsel are directed to appear before the Tribunal on 29.11.2016. The Tribunal is directed to dispose of the matter within a period of 03 months from the parties putting in appearance.

21.10.2016

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No