

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

**FAO No.956 of 2014 (O&M)
Decided on: 19.12.2016**

Gopal Singh

....Appellant

Versus

Davinder Singh and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Ms. Amandeep Kaur, Advocate
for Mr. Ashwani Arora, Advocate
for the appellant.

Mr. Vipul Sharma, Advocate
for Mr. Paul S. Saini, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 02.09.2013 passed by the Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal') whereby compensation has been awarded in regard to injuries sustained by Gopal Singh (appellant herein) in a motor vehicular accident that took place on 27.12.2010.

The claimant has filed an application under Order 41 Rule 27 CPC read with Section 151 CPC for permission to lead additional evidence on the premise that the victim was examined by a medical board of Government Medical and Civil Hospital, Sector 32, Chandigarh and disability certificate was issued on 09.05.2012 showing temporary disability to the extent of 15%. Later, during pendency of the appeal, he was again examined by the medical board and his disability to the extent of 15% has been declared to be permanent. It is submitted that the appellant may be permitted to adduce additional evidence with

regard to permanent disability, for assessing just and reasonable compensation.

Reply to the application filed by counsel for the insurance company in the Court is taken on record.

Counsel for the parties are ad idem that findings recorded by the Tribunal on issue No.2 with regard to assessment of compensation may be set-aside and the matter is remitted to the Tribunal for deciding issue No.2 afresh after permitting the claimant to adduce additional evidence qua disability.

In view of the above, the appeal is partly allowed, findings recorded by the Tribunal on issue No.2 regarding assessment of compensation are set-aside and the matter is remitted to the Tribunal for decision of issue No.2 afresh after permitting the claimant to adduce additional evidence and thereafter an opportunity to the insurance company to lead evidence in rebuttal. Any amount disbursed to the claimant in pursuance of the award shall not be recovered by the insurance company till a fresh decision is made on issue No.2. It is clarified that for deciding issue No.2 afresh, service of respondent No.1 before the Tribunal shall remain dispensed with. The parties through their counsel are directed to appear before the Tribunal on 17.01.2017.

Disposed of accordingly.

19.12.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No