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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 618/2016**

RAM BHAROSHI & ORS

..... Appellants

Through: Mr. Abhay Kumar, proxy counsel for
Mr. Kamal Deep, Adv.

versus

M/S BAJAJ ALLIANZ

GENERAL INSURANCE CO LTD & ORS Respondents

Through: Mr. Rajat Brar, Adv. for R1.
Mr. Mukesh Kaushik, Adv. for R2
and R3.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **24.10.2016**

CM No.28428/2016

The appellants are seeking permission to lead the additional evidence to examine HC Banwani Lal and Amit Dogra. The application is allowed and the appellants are permitted to lead the additional evidence before the Claims Tribunal.

MAC.APP. 618/2016

1. The appellant has challenged the award of the Claims Tribunal whereby their claim petition has been dismissed on the ground that there was no negligence on the part of the driver of the offending vehicle.
2. Learned counsel for the appellant submits that the impugned award be set aside and the Claims Tribunal should consider the appellant's case after recording of the additional evidence.
3. Since the appellants are permitted to lead the additional evidence, the case is remanded back to the Claims Tribunal to record the additional

evidence. The parties shall appear before the Claims Tribunal for recording of the additional evidence on 07th December, 2016. Needless to say that the Claims Tribunal shall afford the opportunity to the respondents to lead the evidence after recording of the additional evidence of the appellants. The Claims Tribunal shall pass a fresh award after recording the additional evidence.

4. The appeal is allowed and the impugned award is set aside in the above terms.
5. Trial Court record be sent back forthwith.
6. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

OCTOBER 24, 2016
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