

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

-.-

FAO No. 3692 of 2009 (O&M)

Date of decision: 22.12.2017

Lala Ram and another

..... Appellants

Versus

Mirza Feroz Yusuf and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Rajesh Bansal, Advocate
for the appellants

Mr. Lalit Garg, Advocate
for respondent No. 2 insurance company

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Sandhya who sustained injuries in a motor vehicular accident that took place on 28.09.2006.

Counsel for the appellants would state that records with regard to treatment given to Sandhya in Moolchand and Safdarjung Hospitals, Delhi are available with the said hospitals, maintained because of pendency of case in the Court.

Counsel for the parties are *ad idem* that findings recorded by the Tribunal on issue No. 2 qua assessment of compensation may be set aside and the matter be remitted to the Tribunal for deciding afresh, on the basis of materials already on record and additional evidence to be adduced by the claimants as well as evidence in rebuttal by the Insurance Company,

to establish nexus between the injuries and death of Sandhya.

In view of the above, the appeal is disposed of. Findings recorded by the Tribunal on issue No. 2 qua assessment of compensation are set aside and the matter is remitted to the Tribunal to decide issue No. 2 afresh, on the basis of materials already on record and additional evidence to be adduced by the claimants as well as evidence in rebuttal by the insurance Company. The Tribunal shall put its best efforts to dispose of the matter within a period of three months from the parties putting appearance on 24.01.2018. In the meantime, the insurance company shall not recover compensation already paid to the claimants.

(Rekha Mittal)
Judge

22.12.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No