

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

FAO No.1560 of 2010 (O&M)

Date of decision: 05.12.2017

Rupinder Kaur and another

..... Appellants

Versus

Mohan Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Mahesh Gupta, Advocate
for the appellants.

Mr. Rakesh Nagpal, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

This appeal presents a peculiar situation. Learned Motor Accident Claims Tribunal while allowing the claim petition filed by the appellants passed an Award only against respondent No.1 i.e. driver of the tractor. Claimants-appellants filed an appeal for enhancement. Appellants also filed an application under Order 41 Rule 27, CPC for permission to lead additional evidence so as to prove that in fact respondent No.2 was the registered owner of the vehicle at the time of accident. Respondent No.2 admitted that he was the registered owner of the vehicle involved in the accident but he took a plea that the vehicle had already been sold to respondent No.3 prior to the date of accident.

Respondent No.3 was party to the present appeal. However, on the statement made by learned counsel for the appellants, name of respondent No.3 was deleted.

Taking into consideration the facts available on the file, this Court is of the considered opinion that the application under Order 41 Rule 27 for permission to lead additional evidence is required to be allowed as this would help the Court in adjudicating the dispute between the parties.

However, since the inter se dispute between respondent No.2 and 3 would require to be adjudicated upon after permitting the parties to lead evidence, therefore, this Court is of the considered opinion that the case be remanded back to the learned Motor Accident Claims Tribunal, Sangrur to frame an issue on this aspect of the matter and allow the parties to lead evidence.

The order passed by this Court deleting the name of respondent No.3 is recalled. Learned Motor Accident Claims Tribunal shall take steps to serve respondent No.3 i.e. Hakam Ali before proceedings to adjudicate upon the dispute.

Parties through their counsel are directed to appear before the learned Motor Accident Claims Tribunal on 22.12.2017.

Learned Motor Accident Claims Tribunal is requested to finally adjudicate upon the dispute within a period of six months from the date of receipt of certified copy of this order.

05.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No