

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

399-A

FAO No.3535 of 2010 (O&M)

Decided on : 24.10.2017

Sarvjit Singh

... Appellant

Versus

Bimla Devi and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr.G.S.Rana, Advocate
for the appellant.
Mr.Amit Rana, Advocate
for respondent No.1.
Mr.Devinder Punia, Advocate for respondents No.1 to 4.
Mr.R.K.Bashambool, Advocate for respondent No.5.

Avneesh Jhingan , J. (Oral)

The present appeal has been filed against the award dated 30.9.2009 passed by Motor Accidents Claims Tribunal, Fatehabad (for short 'the Tribunal').

2 Learned counsel for the appellant has contended that FIR was registered against Jasbir on the statement of Sarvjit Singh. The claimants in collusion with police got the investigating officer changed. It was the latter Investigating Officer who introduced Subash as a witness. He was introduced two months after the accident. He further contended that it was on the statement of Subash that the negligence of Sarvjit was proved and his claim was prejudiced.

3 He further contended that in support of his claim, three witnesses were examined. The Tribunal discussed only two witnesses and ignored the third. Learned counsel for the appellant contended that the

evidence of the Investigating Officer which was in favour of the appellant has not been considered by the Tribunal. He further stated that he had moved an application in FAO for production of additional evidence.

4 Learned counsel for the Insurance Company and the claimants opposed the appeal but could not raise any serious objection to remittance of the aforesaid matter to the Tribunal.

5 In view of the above, the award i.e. MACT No.12/2006 is set aside and the matter is remanded back to the Tribunal to decide the claim petition afresh in accordance with law.

6. Parties are directed to appear before the Tribunal on 15.12.2017.

7. Disposed of.

[Avneesh Jhingan]
Judge

24.10.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No