

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

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Date of decision: 10.08.2017

FAO 535 of 2014

National Insurance Company Limited *Appellant*

Versus

Gurdish Kaur and others *Respondents*

FAO 5813 of 2013

Gurdish Kaur and another *Appellants*

Versus

Gurpreet Singh and others *Respondents*

FAO 5915 of 2013

Surjit Singh *Appellant*

Versus

Gurdish Kaur and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Ravinder Arora, Advocate
 for the appellant - insurance company

 Mr. Chandandeep Singh, Advocate
 for claimants/respondents No. 1 to 3

 Mr. Sahil Kaushal, Advocate
 for owner/respondent No. 5

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Rekha Mittal, J. (Oral)

 This order will dispose of aforesaid three appeals as the same
have emerged out of the same award dated 20.08.2013 passed by the Motor
Accidents Claims Tribunal, Ludhiana (in short, 'the Tribunal').

 Counsel for the parties are *ad idem* that the Tribunal while

recording its findings on issue No. 1 has not at all adverted to evidence of Boota Khan, examined by owner of the offending vehicle. It is further submitted that the award passed by the Tribunal may be set aside and the matter may be remitted to the Tribunal for adjudication afresh on the basis of evidence already adduced by the parties.

In view of the above, award dated 20.08.2013 passed by the Motor Accidents Claims Tribunal, Ludhiana is set aside and the matter is remitted to the Tribunal for adjudication afresh on the basis of evidence already adduced by the parties. However, in case any of the parties files an application for additional evidence, the same shall be decided by the Tribunal, in accordance with law. The Tribunal shall put its best efforts to finally decide the matter within a period of four months from the date of parties putting in appearance.

The parties through their counsel are directed to appear before the Tribunal on 04.09.2017.

Photocopy of this order be placed on the file of connected cases.

(Rekha Mittal)
Judge

10.08.2017

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