

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

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**FAO No.5719 of 2014
Date of decision: 24.08.2017**

Subhash Chander Sharma

..... Appellant

Versus

Braham Prakash and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dalip Kumar Tuteja, Advocate for the appellant.

Mr. V. Ramswaroop, Advocate for respondent No.3.

ANIL KSHETARPAL, J. (ORAL)

Claimant is appellant against dismissal of the claim petition for award of compensation on account of a motor vehicle accident.

A reading of the judgment would show that the statement given by the driver who was examined by the Insurance Company as RW-1 has not been discussed by the Court while dismissing the claim petition. The evidence of the driver is material to find out how and in what manner accident took place.

In these circumstances, the judgment passed by Motor Accident Claim Tribunal is set aside. The case is remanded back to the Tribunal, Rohtak to re-decide the case after taking into consideration the statement of the driver who is appeared as RW-1.

Parties are directed to appear before the learned trial Court on 20.09.2017.

Appeal is disposed of.

24.08.2017

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No