

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

**CM No.21417-CII of 2017 in/and
FAO No.8622 of 2015 (O&M)
Date of decision: 01.12.2017**

Manjeet

....Appellant

Versus

Satish K. Dhomne and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.K. Bagri, Advocate,
for the appellant.

Ms. Vandana Malhotra, Advocate,
for respondent No.2-Insurance Company.

RITU BAHRI J. (Oral)

CM No.21417-CII of 2017

This application has been filed under Order 41 Rule 27 read with Section 151 CPC for leading additional evidence.

For the reasons mentioned in the application, same is allowed and the main appeal i.e. FAO No.8622 of 2015 is taken up today itself for disposal.

FAO No.8622 of 2015

This appeal has been filed by the claimant-appellant seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'the Tribunal') vide award dated 30.07.2015, on account of injuries received by him in a motor vehicular accident which took place on 12.11.2013.

Learned counsel for the appellant has stated that at the time of aforesaid accident, claimant-appellant received serious, multiple and grievous injuries. He had also sustained multiple fractures in various parts of his body. After the accident, he was taken to APVVP Area Hospital, Nirmal, Adilabad, where he was medico legally examined. Thereafter, he was taken to PGIMS, Rohtak, where he remained admitted for some time. After that he remained admitted in Ravinder Hospital and Heart Centre at Hisar, Chawla Nursing Home, Hisar. He also got treatment from Jaipur and Raj Hospital, Singhana. However, the appellant has not been able to recover from the injuries till date. A huge amount has been spent by him on his treatment. The impugned Award was passed on 30.07.2015. Even after passing of the Award, the appellant got treatment from Raj Hospital and Fracture Clinic, Singhana w.e.f. 06.09.2015 to 17.09.2015 and spent more than Rs.50,000/-. Still, he has not fully recovered from the injuries suffered in the accident. Therefore, the appellant wants to lead additional evidence with regard to the treatment, which was taken after passing of the impugned Award.

A connected matter i.e. FAO No.8620 of 2015, titled as **Sandeep Vs. Satish K. Dhomne and another**, which had arisen out of same Award, has been remanded back vide order dated 30.08.2017 passed by this Court. In that case, claimant-Sandeep had received injuries in the same accident, in which, the present claimant-appellant had received.

In the present case also, after passing of the impugned Award, the claimant is getting treatment from the hospital. Therefore, he should have been given opportunity to lead evidence with regard expenses being incurred by him on his treatment.

In view of the said fact, the impugned Award dated 30.07.2015 is set aside and the matter is remanded back to the learned Tribunal with direction to pass a fresh Award after proving adequate opportunity to the claimant (appellant) to lead additional evidence with regard to the medical expenses incurred by him on his treatment. The Tribunal will also reassess compensation in respect of permanent disability suffered by the claimant after getting report (disability certificate) from the Board of Doctors in accordance with law.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

01.12.2017
ajp

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