

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 FIRST APPEAL NO. 313 OF 2015
WITH CA/11829/2017 IN FA/313/2015

GORAKH SHANKAR SONAR
VERSUS
NATIONAL INSURANCE COMPANY LTD. AND OTHERS

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Advocate for Appellant : Mr. Mahajan Lalitkumar S.
Advocate for Respondent no.1 : Mr. Gatne Atul B.

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CORAM : SUNIL K. KOTWAL, J.

DATE : AUGUST 29, 2018

O R D E R :

Original claimant has filed this appeal against the judgment and award, passed by the Motor Accident Claims Tribunal, Dhule in Motor Accident Claim Petition no. 822 of 2008. In this appeal, the claimant has filed certain documents, which relate to post judgment treatment undergone by the claimant.

2. Learned counsel for the respondent, though opposes production of additional evidence in the Court, expressed his no objection if the matter is remanded to the Tribunal for recording additional evidence

regarding post judgment events. Even the appellant has no objection for the same. Therefore, with the consent of the learned counsel for both the parties, M.A.C. Petition No. 822 of 2008 needs to be remanded to the Member, Motor Accident Claims Tribunal, Dhule.

3. Accordingly, First Appeal No. 313 of 2015 is allowed. The award, passed by the Motor Accident Claims Tribunal, Dhule, in M.A.C. Petition No. 822 of 2008, is set aside. Motor Accident Claim Petition No. 822 of 2008 is remanded to the Tribunal, with direction to allow production of only documents which relate to post judgment events and treatment. The Tribunal need not reconsider those documents which were already placed on record before the Tribunal and rejected by it. The issues which are already decided need not be reopened by the Tribunal, except the issue regarding post judgment treatment and additional compensation, if any.

4. The Tribunal shall give opportunity to both the parties to lead additional evidence and cross-examine the witnesses, if any. After recording additional evidence, the Tribunal shall decide the matter afresh. R. and P. be sent back to the Tribunal. Tribunal shall decide the matter at the earliest, preferably within a period of six months from the date of receipt of R. and P. Parties to bear their respective costs.

[SUNIL K. KOTWAL, J.]

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