

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

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FAO No.1336 of 1996 (O&M)

Date of Decision : 21.03.2018

Virender Singh

..... Appellant

Versus

Smt. Santosh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Prateek Mahajan, Advocate
for the appellant.

Mr. Ramesh Hooda, Advocate
for respondents No.1 and 2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 22.12.1995 passed by the Commissioner, Rohtak under the Workmen's Compensation Act, 1923 allowing a claim application filed by the respondents.

The primary ground taken in the appeal is that the appellant was wrongly proceeded against ex-parte. After arguing for sometime, the following agreed order has been passed :-

(i) The award is set aside and the matter is to be remanded back to the Commissioner under the Workmen's Compensation Act, 1923 (now the Employees' Compensation Act, 1923) for a fresh decision on merits.

(ii) The appellant has agreed that the deposited amount be released to the respondents-claimants subject to the fresh decision of the case. He has further agreed that as regards the cross examination of AW-2 Ranbir, since he had given his testimony almost a quarter century ago, his cross examination may be treated to be nil.

(iii) Counsel for the respondents No.1 and 2 has agreed that the respondent No.1-Santosh would present herself for cross examination.

In the circumstances, the parties through counsel are directed to appear before the Commissioner on 01.05.2018. Since it is a burnt case counsel for the parties are directed to recreate the record before the Commissioner. After the record is recreated the respondent No.1-Santosh would appear for cross examination by the appellant and the appellant would thereafter be granted two effective opportunities to lead his evidence and subsequent to that one effective opportunity would be granted to the respondents-claimants to lead any evidence in rebuttal if permissible.

Appeal stands allowed in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

21.03.2018
Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No