

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

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Date of decision: 09.01.2018

FAO 71 of 1999 and XOBJN 68 CII of 1999

National Insurance Company Limited*Appellant*

Versus

Guddi Devi and etc.*Respondents*

FAO 360 of 1999

Union of India and another*Appellants*

Versus

Guddi Devi and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Anil Rathee, Advocate
for the Union of India

Mr. Deepak Suri, Advocate
for the Insurance Company

Mr. Hardeep Singh, Advocate
for the owner of the offending truck

Mr. Rishav Jain, Advocate
for the claimants

Mr. R N Singal, Advocate
for respondent No. 8 (FAO No. 360 of 1999)

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals and cross objection as these have emerged out of the same award dated 27.10.1998 passed by the Motor Accidents Claims Tribunal, Sangrur (hereinafter to be referred as 'the Tribunal') in regard to death of Shri Duli Chand *alias* Duni Chand in a motor vehicular accident that took place on 14.10.1993 and liability to the

extent of 50% each has been fastened upon the driver, owner and insurer of Truck bearing No. PAT 5978 and Union of India in the Department of Telecom.

Counsel for the parties are *ad idem* that compensation assessed by the Tribunal already stand paid to the claimants. It is also agreed that as the Tribunal has not recorded reasons qua various issues raised there, the award impugned may be set aside with a direction to the Tribunal to pass a fresh award after hearing the parties, in accordance with law.

In view of the above, the appeals and cross objections are disposed of. The award impugned is set aside and the matter is remitted to the Tribunal for decision afresh after hearing the parties in accordance with law. The parties may be allowed to adduce additional evidence, if so permitted by the Tribunal. Meanwhile, compensation already paid to the claimants shall not be recovered.

The parties through their counsel are directed to appear before the Tribunal on 29.01.2018. The Tribunal shall put its best efforts to dispose of the matter expeditiously preferably within a period of three months from the parties putting in appearance.

(Rekha Mittal)
Judge

09.01.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No