

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

FAO No.1764 of 2011 (O&M)

Date of decision: 28.03.2018

INDERJIT KAUR KHURMI

... Appellant

Versus

GURMEET SINGH AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Ms. Ekta Thakur, Advocate  
for the applicant/appellant.

Ms. Monika, Advocate for  
Mr. Jagdish Manchanda, Advocate  
for respondent No.1.

Ms. Sandeep Kaur, Advocate  
for respondents No.2 and 3.

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**REKHA MITTAL, J. (Oral)**

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 01.05.2008.

Counsel for the appellant would state that the claimant has filed an application i.e. CM No.18645-CII of 2015 for adducing additional evidence to produce the disability certificate (Annexure P1). She has further prayed that the case may be remitted to the Tribunal for deciding the question of disability and compensation in this regard by permitting the appellant to adduce additional evidence to prove the disability certificate,

in accordance with law and an opportunity to the contesting respondents to lead evidence in rebuttal.

Counsel for the parties are *ad idem* that the appeal may be disposed of; matter may be remitted to the Tribunal to decide issue No.2 afresh on the basis of disability certificate to be proved by the appellant, in accordance with law and thereafter evidence in rebuttal to be led by the respondents.

For the foregoing reasons, the appeal is disposed of. Findings recorded by the Tribunal on issue no.2 are set aside. The matter is remitted to the Tribunal for determination of issue No.2 afresh on the basis of materials already on record, additional evidence to be adduced by the claimant to prove the disability and evidence in rebuttal to be led by the respondents, if any. In the meanwhile, the insurance company shall not recover the compensation already paid to the claimant. The parties through their counsel are directed to appear before the Tribunal on 23.04.2018 and Tribunal shall dispose of the matter within three months from the parties putting in appearance.

No order as to costs.

28.03.2018

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**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No