

FAO- 4449 of 2010(O&M)
Date of Decision: 7.12.2018

Mohinder Singh

---Appellant

versus

Ajad and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Sanya Sapra, Advocate
for the appellant

Mr. A.P.Bhandari, Advocate,
for respondent No. 2

Mr. Raja B.S.Jain, Advocate
for respondent No. 3

Rekha Mittal, J.

CM No. 26836-CII of 2018

Allowed as prayed for.

Affidavit of the appellant is taken on record subject to just
exceptions.

Disposed of accordingly.

FAO- 4449 of 2010

The present appeal has been filed by the injured-claimant seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 10.2.2006..

Counsel for the appellant would pray that the matter may be remitted to the Motor Accidents Claim Tribunal, Nuh (in short “the Tribunal”) for assessment of compensation afresh with liberty to the

appellant to examine a witness from his department with complete records in order to prove financial loss incurred by the appellant on account of disability to the extent of 30% suffered due to receipt of injuries.

Counsel for the respondents have got no objection.

In view of the above, the appeal stands disposed of. Findings of the Tribunal qua assessment of compensation are set aside with the directions to make assessment afresh on the basis of materials already on record and additional evidence in the shape of a witness from his department to be examined by the claimant and rebuttal evidence, if any, to be produced by the respondents.

Parties through their counsel are directed to appear before the Tribunal on 21.12.2018. The Tribunal is directed to complete the entire exercise within a period of three months of the parties putting in appearance.

In the meantime, the insurance company shall not recover compensation already paid to the claimant.

(Rekha Mittal)
Judge

7.12.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No