

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

FAO No. 2196 of 2012 (O&M)

Date of Decision:- 01.02.2018

IFFCO TOKIO General Insurance Co.Appellant

Versus

Santosh & Ors. ...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Khanna, Advocate, for the appellant.

None for respondent Nos. 3 & 4.

AVNEESH JHINGAN, J. (Oral)

Present appeal has been filed by the Insurance Company against the award dated 23.11.2011 passed by the learned Motor Accident Claims Tribunal, Bhiwani (for short,'the Tribunal').

In a motor vehicular accident that occurred on 19.03.2010, Rajinder lost his life. The offending vehicle in the said accident was a Trollea bearing registration No. HR-55F/8851.

A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') by the legal heirs of the deceased. The Tribunal awarded a sum of Rs.5,07,900/- alongwith interest @6% per annum. Insurance company was held liable to pay the compensation.

The Insurance Company alongwith the appeal has filed an application under Order 41 Rule 27 CPC for producing the additional evidence i.e. verification report of the driving license dated 13.09.2011. The counsel for the Insurance Company states that the said verification report could not be produced before the Tribunal as the same was received after the decision of the claim petition.

In the present appeal respondent Nos. 1 and 2 were proceeded ex parte. No one appeared on behalf of respondent Nos. 3 and 4 today in spite of service.

Learned counsel for the Insurance Company states that they have already paid the compensation amount to the claimants.

The matter only with regard to liability to pay the compensation is remitted back to the Tribunal. Let the Tribunal decide the issue after affording opportunity to the Insurance Company and to respondent Nos. 3 and 4 (as in appeal) to adduce fresh evidence in support of their claims. It is clarified that Tribunal may consider the verification report subject to the objections raised by the respondents.

The appeal stands disposed of accordingly.

February 01, 2018
tripti

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No