

FAO- 5010 of 2012(O&M)
Date of Decision: 9.3.2018

Amarjit Singh

---Appellant

versus

Punjab Roadway Hoshiarpur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. R.C.Gupta, Advocate
for the appellant**

**Ms. Anju Sharma Kaushik, AAG Punjab
for respondent Nos. 1 and 2**

**Mr. Naveen Sharma, Advocate,
for respondent No. 3**

Rekha Mittal, J.

The present appeal has been filed by the appellant seeking enhancement of compensation in respect of injuries sustained by him in a motor vehicular accident that took place on 14.1.2011.

The appellant has filed an application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure (In short "CPC") seeking permission to adduce additional evidence with regard to documents, photocopies whereof are placed on record as Annexures A-1 to A-18. Counsel for the appellant would state that the original documents are available with him and the same would be produced as and when so directed by this Court.

Counsel for the parties are *ad idem* that findings recorded by the Tribunal on issue No. 3 with regard to assessment of compensation may

be set aside for adjudication afresh on the basis of additional evidence to be adduced by the claimant and evidence in rebuttal, if any, by the respondents.

In view of the above, the present appeal stands disposed of. Findings of the Motor Accidents Claims Tribunal, Rupnagar (in short “the Tribunal”) on issue No. 3 are set aside and the matter is remitted to the Tribunal for decision on issue No. 3 afresh on the basis of materials already on record and additional evidence to be adduced by the claimant in terms of application under Order 41 Rule 27 CPC filed before this Court. However, the respondent would not recover the amount of compensation already paid to the claimant till fresh adjudication of issue No. 3 by the Tribunal.

The parties through their counsel are directed to appear before the Tribunal on 5.4.2018. The Tribunal shall complete exercise of recording evidence and disposing of the case within a period of three months from the parties putting in appearance.

(Rekha Mittal)
Judge

9.3.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No