

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

-.-

FAO 5398 of 2012 (O&M)
Date of decision: 03.10.2018

Savitri Nandal

..... Appellant

Versus

Sandeep and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Anurag Jain, Advocate
for the appellant

Ms Bhanvi Sood, Advocate
for respondents No. 1 and 2

Mr. Vishal Aggarwal, advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained by her in a motor vehicular accident that took place on 13.08.2007.

The Tribunal has awarded compensation of Rs.30,61,010.00.

The appellant has filed two applications under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure seeking permission to adduce additional evidence for producing and proving documents Annexures A-33 to A-305 and A-306 to A-339.

Counsel for the appellant would pray that the matter may be remitted to the Tribunal with permission to the appellant to adduce additional evidence by examining witness (es) to prove the documents sought to be produced by way of additional evidence and thereafter re-assessment of compensation, payable to the claimant.

Counsel for respondent No 3-insurance company has not raised any serious objection in this regard.

Taking into consideration that a large number of documents are sought to be produced by way of additional evidence coupled with the legislative intent behind the provisions of the Motor Vehicles Act, 1988 providing for just and reasonable compensation to victim of accident, it is expedient in the interest of justice that the matter with regard to re-assessment of compensation on the basis of materials already on record and additional evidence to be adduced by the claimant is remitted to the Tribunal.

That being so, the appeal stands disposed of. Assessment of compensation made by the Tribunal is set aside and the matter is remitted to the Tribunal for re-assessment of compensation on the basis of materials already on record and additional evidence to be produced qua documents sought to be produced/proved by way of additional evidence and evidence in rebuttal, if any, to be adduced by the insurance company.

However, in the meantime, the insurance company shall not recover compensation already paid to the claimant. Parties through their counsel are directed to appear before the Tribunal on 01.11.2018.

The Registry is directed to send the original documents sought to be produced by way of additional evidence to the Tribunal, in order to complete the necessary exercise, in terms of the order passed by this Court.

(Rekha Mittal)
Judge

03.10.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No