

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5378 of 2014 (O&M)

Date of Decision: 02.05.2018

Raman Kumar

....Appellant

Versus

Gurdeep Singh and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashish Gupta, Advocate
for the appellant.

None for respondent no. 1.

Mr. R.C. Gupta, Advocate
for respondent no. 3.

SURINDER GUPTA, J.(Oral)

Reply to application (CM-14994-CII-2014), seeking permission to produce additional evidence, filed by learned counsel for respondent no. 3 is taken on record.

Heard.

Learned counsel for respondent no. 3 submits that disability certificate is to be duly proved before the Tribunal and opportunity for cross-examining the witnesses and also to produce evidence in rebuttal is to be provided to respondent, as such, he has no objection if the matter is remanded to Motor Accident Claims Tribunal, Patiala to record evidence and record finding regarding quantum of compensation.

Learned counsel for the appellant also submits that on proof of disability certificate in additional evidence, compensation awarded by the Tribunal is required to be reassessed, as such, award dated 07.11.2012 passed by the Tribunal may be set aside and case may be remanded to Motor

Accident Claims Tribunal, Patiala for decision afresh. He further submits that amount of compensation as awarded by the Tribunal has already been paid to claimants and the same may be deducted from the amount of compensation, which may be fixed by the Tribunal after proof of disability certificate.

In view of submissions of learned counsel for parties, application (CM-14994-CII-2014) filed by the appellant seeking permission to produce and prove disability certificate (Annexure A-1) by way of additional evidence is allowed and award dated 07.11.2012 passed by the Tribunal is set aside. The matter is remanded to Motor Accident Claims Tribunal, Patiala with direction to allow opportunity to claimant to prove disability certificate. On production of additional evidence, opportunity to respondents to lead evidence in rebuttal be also allowed.

The Tribunal will decide the case afresh. Amount of compensation already allowed and paid to claimant will be adjusted in the amount of compensation that may be awarded by the Tribunal vide fresh award.

Parties are directed to appear before the Tribunal on 28.05.2018.

Instant appeal is disposed of in above terms.

May 02, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No