

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

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FAO-4141-2015 (O&M)
Date of decision: 14.11.2018

SANDEEP

... Appellant

Versus

OMVEER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Munish K. Garg, Advocate for the appellant.

Mr. Sanjeev Goyal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The injured is in appeal, seeking enhancement of compensation in respect of injuries sustained by him in a motor vehicular accident that took place on 05.06.2012.

The primary contention of the appellant is that the claimant produced on record original bills marked as Exs.P3 to P60 but the Tribunal has refused to reimburse medical expenses on the basis of bills on the premise that the bills have not been proved, in accordance with law. It is further argued that the appellant summoned medical officer from Sonu Burn Hospital, Hisar but no effort was made by the Tribunal to procure presence of the witness through process of the Court. He would pray that assessment of compensation made by the Tribunal may be set aside and the matter be remitted to the Tribunal for decision of issue No.2 afresh on the basis of additional evidence to be adduced by the claimant to prove the bills Exs.P3 to P60 by summoning a witness through process of the Court.

Counsel for the insurance company has got no objection if the matter is remitted to the Tribunal for decision afresh with regard to assessment of compensation.

Taking into consideration that the claimant had summoned medical officer of the concerned hospital for proving the documents coupled with the provisions of Motor Vehicles Act, 1988 providing for compensation being a beneficial legislation along with the fact that counsel for the respondent-insurance company has got no objection if the matter is remitted to the Tribunal for decision afresh with regard to quantum of compensation, the appeal stands disposed of; findings of the Tribunal on issue No.2 are set aside and the matter is remitted to the Tribunal for assessment of compensation afresh on the basis of materials already on record and additional evidence to be adduced by the claimant and evidence in rebuttal, if any, to be led by the insurance company.

For the foregoing reasons, the appeal is disposed of. Parties through their counsel are directed to appear before the Tribunal on 11.12.2018. The Tribunal shall make re-assessment of compensation within a period of three months from the parties putting in appearance. In the meanwhile, the insurance company shall not initiate any process for recovery of compensation already paid to the claimant. The registry is directed to send records back to the Tribunal.

14.11.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No