

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

236

FAO-4550-2016 (O&M)
Date of decision: 03.10.2018

BABLI

... Appellant

Versus

SATPAL AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amandeep Saini, Advocate for the appellant.

Mr. Pardeep Goyal, Advocate for
Mr. Rajesh K. Sharma, Advocate for the insurance company.

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 06.12.2014.

Counsel for the appellant has submitted that the claimant has filed an application under Order 41 Rule 27 CPC for adducing additional evidence to place on record the disability certificate (Annexure A1) and medical bills (Annexure A2). It is argued that as the claimant was still under treatment when the award was passed by the Tribunal on 11.12.2015 and disability to the tune of 85% on account of amputation of lower limb has been assessed on completion of medical treatment, the matter may be remitted to the Tribunal for reassessment of compensation on the basis of materials already on record and additional evidence to be adduced by the claimant. He would point out that even the Tribunal, in para 12 of the

award, has left the claimant at liberty to agitate for grant of compensation on account of disability suffered by her.

Counsel for the insurance company, in view of the liberty given by the Tribunal coupled with that disability has been assessed during pendency of appeal, has got no objection if the matter is remitted to the Tribunal for reassessment of compensation.

In view of the above, appeal stands disposed of. Findings of the Tribunal on the question of assessment of compensation are set aside and the matter is remitted to the Tribunal for making assessment afresh on the basis of materials already on record and additional evidence to be adduced by the claimant and rebuttal evidence, if any, to be led by the insurance company. However, till decision by the Tribunal, the insurance company shall not recover the compensation already paid to the claimant on the basis of assessment made by the Tribunal. Parties through their counsel are directed to appear before the Tribunal on 01.11.2018.

03.10.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No