

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

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FAO No.9461 of 2014 (O&M)

Date of decision: 20.12.2018

RAKESH

... Appellant

Versus

PARDEEP KUMAR & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Govind Rana, Advocate for
Mr. Harkesh Manuja, Advocate for the appellant.

Mr. Abhinav Gupta, Advocate for respondent No.4.

REKHA MITTAL, J. (Oral)

CM-26217-CII-2014

Heard.

Allowed as prayed for. Delay of 135 days in filing the appeal stands condoned.

Main Case

The present appeal has been preferred by the injured claimant seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 12.07.2009.

The Tribunal has assessed compensation of Rs.4,86,000/-, payable with interest.

The appellant has filed an application for additional evidence to produce disability certificate (Annexure A1) whereby disability has been assessed to the extent of 80% in relation to whole body. Along with the application for additional evidence, the applicant has produced photocopy of a certificate purported to be issued by All India Institute of Medical Sciences, New Delhi.

Counsel for the parties are *ad idem* that 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 to prove the disability certificate sought to be produced by way of additional evidence.

In view of the above, the appeal stands disposed of. Findings recorded by the Tribunal with regard to 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 produced by the claimant with regard to permanent disability and rebuttal evidence, if any, to be adduced by the insurance company. Parties through their counsel are directed to appear before the Tribunal on 11.01.2019. The Tribunal shall dispose of the matter within a period of three months of the parties putting in appearance. In the meantime, insurance company shall not recover compensation already paid to the claimant.

20.12.2018

ashok

(REKHA MITTAL)
JUDGE

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