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

**FAO No.9710 of 2014
Date of Decision: 18.12.2018**

Smt. Jarnail Kaur

Appellant

Versus

Sh. Gurnam Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amandeep Kaur, Advocate for
Mr. Ashwani Arora, Advocate
for the appellant.

Mr. R.C. Gupta, Advocate and
Mr. Inderjeet Sharma, Advocate
for the Insurance Company.

AVNEESH JHINGAN, J (Oral):

This is an appeal against award dated 30.01.2014 passed by the Motor Accident Claims Tribunal, Rupnagar [for brevity 'the Tribunal'].

The brief facts necessary for adjudication of the present appeal are that a motor vehicular accident took place on 16.04.2012. The offending vehicle was a Bus bearing registration No. PB-11X-9835. As a result of the accident, the appellant sustained injuries. FIR No.31, dated 16.04.2012 was registered at Police Station Singh Bhagwantpur.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 was filed. The Tribunal awarded a sum of ₹94,020/- alongwith interest @ 6% per annum. During the pendency of the appeal, an application has been moved by the appellant under Order XLI Rule 27 of Code of Civil Procedure, 1908 seeking permission to

lead additional evidence. Alongwith the application, a Disability Certificate has been attached. It has been stated that the injuries sustained in the accident has subsequently resulted in permanent disability, which has been re-assessed by the Doctor and a Certificate dated 17.08.2016 has been issued.

Learned counsel for the Insurer contends that the Certificate is being produced for the first time and a reasonable opportunity should be provided to the Insurer to rebut the same and verify its contents.

Keeping in view the fact that re-assessment with regard to disability has been made in the year 2016, i.e., after passing of the award, the appellant would be required to prove the said Certificate and a reasonable opportunity has to be provided to the Insurer to rebut the claim of the appellant.

The issue with regard to quantum of compensation is remitted back to the Tribunal to be decided afresh, in accordance with law, after affording an opportunity to the parties to adduce evidence, if so desired.

The parties are directed to appear before the Tribunal on 01.02.2019. The Certificate produced before this Court with the application be sent to the Tribunal.

Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

December 18th, 2018

pankaj baweja

1. Whether speaking/ reasoned	:	Yes/ No
2. Whether reportable	:	Yes/ No