

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

--

Date of decision: 07.05.2018

**FAO 1288 of 2018 (O&M)**

*Tarsem Singh* ..... *Appellant*

*Versus*

*Bawa Singh* ..... *Respondent*

**FAO 1289 of 2018 (O&M)**

*Tarsem Singh* ..... *Appellant*

*Versus*

*Harjit Singh* ..... *Respondent*

**FAO 1290 of 2018 (O&M)**

*Tarsem Singh* ..... *Appellant*

*Versus*

*Jagir Singh* ..... *Respondent*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: Mr. Surinder Thakur, Advocate  
for the appellant

-.-

**Rekha Mittal, J.** (Oral)

This order shall dispose of aforesaid appeals as these have emerged out of the same accident that took place on 09.10.2013 in which several persons travelling in Canter bearing registration No. PB-06-2810 sustained injuries and some of them succumbed to the injuries.

Counsel for the applicant/appellant would urge that the occurrence in question took place due to technical snag in the vehicle and not on account of rash and negligent driving of the vehicle in question, owned and driven by the appellant. It is further submitted that the

applicant/appellant has filed application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure (in short,CPC) seeking permission to adduce additional evidence (Annexures P1 to P3). It is further argued that in case the awards passed by the Tribunal are not set aside, it would result in huge financial burden upon the appellant as the vehicle was not insured.

Apart from the fact that the appeals are barred by delay of 330-331 days, contention raised by counsel for the appellant is not meritorious. Even if the appellant is allowed to place on record documents (Annexures P1 to P3), it will not advance cause of the appellant as document P1 is not *per se* admissible in evidence. This apart, counsel for the appellant has failed to advance any arguments much less meaningful as to how the instant application is covered within the provisions of Order 41 rule 27 Clause a (aa) CPC.

I have gone through the award but find that compensation assessed by the Tribunal does not warrant any interference.

For the foregoing reasons, the appeals fail and are accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)  
Judge

07.05.2018  
mohan bimbra

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