

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2737-2000(O&M)
Date of Order:01.02.2019

RUPINDER KAUR

..Appellant

Versus

SAWARAN SINGH & ANR.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Bansal, Advocate,
for the appellant.

Mr. Vinod Gupta, Advocate,
for the Insurance Co. Ltd.

ANIL KSHETARPAL, J (Oral)

Claimant-injured is in the appeal against the award passed by the learned Motor Accident Claims Tribunal, Bathinda, (hereinafter referred to as the Tribunal) seeking enhancement of the compensation assessed.

Before the learned Tribunal, disability certificate was produced showing that the claimant has suffered 25% permanent disability. She was 16 years old when unfortunate accident took place.

During the pendency of the appeal, application under Order 41 Rule 27 of the Code of Civil Procedure was filed for permission to lead additional evidence including fresh disability certificate in order to prove that the disability is 45%.

After arguing at some length, learned counsel for the parties have arrived at a consensus. It has been agreed that the application for additional evidence be allowed and the case may be remitted back to the learned Tribunal for re-decision after granting opportunity to both the

parties to lead evidence.

Accordingly, with the consent of both the parties, the case is remitted back to the learned Tribunal, which would obviously result in setting aside the judgment.

Keeping in view the facts that the matter is quite old as the accident took place on 07.08.1998, therefore, the learned Tribunal is requested to re-decide the same positively within 4 months from the date of receipt of a certified copy of this order.

Parties through their counsels are directed to appear before the Motor Accident Claims Tribunal, on 21.02.2019.

February 01, 2019
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(ANIL KSHETARPAL)
JUDGE

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