

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

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FAO-3338-2019(O&M)

Date of Decision : August 20, 2019

KESAR SINGH

....Appellant

VERSUS

ANITA SOOD AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sanjeev K. Arora, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
for the respondent-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

CM-11529-CII-2019

For the reasons mentioned in the application, the application is allowed and the delay of 310 days in re-filing of the appeal is condoned.

CM-11527-CII-2019

For the reasons mentioned in the application, the application is allowed and the delay of 104 days in filing of the appeal is condoned.

Main Case

Learned counsel for the appellant has placed on record Annexure A-1 which is the disability certificate being 100%. The same was not available when the claim petition was decided. Hence, the compensation was awarded on the basis of simple injury.

In view of the above, this Court deems it proper to set-aside the award dated 16.11.2017 passed by the Motor Accident Claims Tribunal, Ropar and remand the matter back to the Tribunal to decide the same afresh after allowing the appellant to lead his evidence qua the disability certificate with equal opportunity to the respondents to rebut the same if so required. The Tribunal is directed to decide the same expeditiously as preferably within three months of the appearance of parties either themselves or through their counsel on 17.9.2019.

Disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

August 20, 2019
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No