

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

207

FAO-1355-2006 (O&M)

Date of decision: 16.12.2019

BK BALHARA

... Appellant

Versus

IQBAL MOHD. AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Anil Ghanghas, Advocate for the appellant.
Mr. RM Suri, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 07.11.2000.

On 11.09.2019, order passed by this Court, reads as follows:-

Counsel for the appellant prays for time to seek instructions, if the appellant is interested to get examine a witness from the Army authority to prove financial loss on account of disability.

Counsel for the appellant, on instructions, would state that the appellant may be permitted to examine a witness of Army Authority to prove financial loss on account of disability. He would further submit that the matter may be remitted to the Tribunal for assessment of compensation afresh on the basis of materials already on record and additional evidence to be adduced by the claimant.

Counsel for the insurance company would argue that in case the appellant is permitted to adduce additional evidence, a right be reserved with the insurance company to lead evidence in rebuttal.

In view of the above, the appeal stands disposed of. Findings of the Tribunal with regard to assessment of compensation qua issue No.2 are set aside. The matter is remitted to the Tribunal for assessment of compensation afresh on the basis of materials already on record and additional evidence to be adduced by the claimant to prove financial loss to him on account of disability. The insurance company would be at liberty to

lead evidence in rebuttal to additional evidence. The insurance company would also be at liberty to raise an issue with regard to non-entitlement of the claimant to get interest on additional amount, if any, allowed by the Tribunal as he has adduced additional evidence in a claim preferred in the year 2004 and decided on 13.06.2005. In the meanwhile, the insurance company shall not be entitle to recover the amount of compensation already paid to the claimant. Parties through their counsel are directed to appear before the Tribunal on 20.01.2020. The Tribunal shall finalise assessment of compensation within a period of four months of parties putting in appearance. As the appeal has been disposed of, application for condonation of delay is of academic relevance.

16.12.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No