

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

**C.M. No.24099-CII of 2019 In/And
FAO No.3946 of 2011 (O&M)**

DATE OF DECISION : 06.12.2019

Tek Chand

...Appellant

Versus

Devinder and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. Adish Gupta, Advocate,
for the applicant/appellant.

None for respondent Nos.1 and 2.

Mr. Ram Pal Kohli, Advocate
for Mr. Tejender K. Joshi, Advocate,
for respondent No.3.

KARAMJIT SINGH, J. (Oral)

The appellant has filed this appeal against the award dated 24.02.2011 passed by the learned Motor Accident Claims Tribunal, Faridabad (for short 'the Tribunal'), whereby his claim petition was dismissed with costs.

C.M. No.24099-CII of 2019 was filed by the appellant for disposal of this appeal in view of the judgment dated 08.11.2019 rendered in FAO No.5259 of 2011 (O&M). A true copy of the said judgment was placed on the file. As per the said judgment, the other injured, namely, Dharmender also filed similar claim petition against the respondents but the same was also dismissed by the Tribunal, vide common award dated 24.02.2011, which is under challenge even in the present appeal.

On notice, none has put in appearance on behalf of respondent Nos.1 and 2 whereas, respondent No.3 was represented through its counsel.

In FAO No.5259 of 2011, an application moved by Dharmender under Order 41 Rule 27 CPC for producing the additional evidence was

allowed and the impugned award dated 24.02.2011 was set aside and the matter was remanded back to the Tribunal to pass the order afresh after considering the additional evidence. The Tribunal was directed to grant three effective opportunities to the injured to examine the additional evidence and thereafter, three effective opportunities to the opposite counsel to lead its evidence with clarification that in case the claim petition is allowed, the interest on the compensation would be awarded only from 08.11.2019 and not from the date of filing of the claim petition and the parties were directed to appear before the Tribunal on 13.01.2020.

In the light of the aforesaid judgment dated 08.11.2019, this application and the present appeal are allowed and the impugned order dated 24.02.2011 is set aside and the matter is remanded back to the Tribunal to pass a fresh order in the light of the directions already given by this court on 08.11.2019 in FAO No.5259 of 2011 (O&M).

Parties through their counsel are directed to appear before the Tribunal on 13.01.2020.

Since the main case has been disposed of, pending C.M., if any, also stands disposed of.

**(KARAMJIT SINGH)
JUDGE**

06.12.2019

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Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No