

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

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FAO No.3115 of 2015 (O&M)

Date of decision: 25.02.2019

JASBIR SINGH

... Appellant

Versus

NARESH & ANR

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Neeraj Khanna, Advocate for the appellant.  
Mr. Punit Jain, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

**CM-13326-CII-2018**

Prayer in this application is for impleading legal representative(s) (in short "LRs") of the appellant.

In view of averments made in the application supported by an affidavit of Sunita Devi wd/o Jasbir Singh and arguments advanced, application is allowed and persons mentioned in para 3 of the application are allowed to be brought on record as LR's of appellant-Jasbir Singh (since deceased), subject to just exceptions, for the purpose of present lis only.

Disposed of accordingly.

Amended memo of parties is taken on record.

**Main Case**

Counsel for the appellant would state that an application for additional evidence has been filed in order to prove that the injured succumbed to the injuries sustained in the occurrence and compensation is liable to be paid in respect of death of Jasbir Singh.

Counsel for the parties are ad idem that the matter may be remitted to the Tribunal for deciding the issue, if the injuries sustained by the victim in the occurrence has a nexus with death of the deceased, if so, what compensation is payable to the legal representatives of Jasbir Singh in respect of injuries sustained by the victim and his death, if any.

In view of the above, the appeal stands disposed of. The matter is remitted to the Tribunal for decision of the case afresh. The legal

representatives of the deceased would be at liberty to file an application for additional evidence before the Tribunal and the Tribunal would permit them to adduce additional evidence and evidence in rebuttal, if any, to be adduced by the insurance company. The assessment of compensation made by the Tribunal is set aside. The parties through their counsel are directed to appear before the Tribunal on 12.03.2019. In the meanwhile, the insurance company shall not recover compensation already paid to the injured victim. The Tribunal shall complete exercise of assessment of compensation afresh within a period of six months of the parties putting in appearance. The documents appended with the application for additional evidence shall be sent to the Tribunal for the purpose of additional evidence. As the appeal has been disposed of, applications for condonation of delay are of academic relevance.

Before parting with this order, it is clarified that legal representatives of Jasbir Singh would be at liberty to file an appeal on the basis of grounds raised in the present appeal and additional grounds, if any, if they would not be satisfied with the order to be passed by the Tribunal in consonance with directions of this Court, at the time of final adjudication. However, nothing stated hereinbefore shall be construed as an expression of opinion qua merits of the case.

25.02.2019

ashok

**(REKHA MITTAL)**  
**JUDGE**Whether speaking/reasoned:  
Whether reportable:Yes / No  
Yes / No