

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

-.-

FAO 5121 of 2015 (O&M)

Date of decision: 15.07.2019

Renu and another

.....Appellants

Versus

Balwan Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. A K Yadav, Advocate
for the appellants

Mr. R K Bashamboo, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

CM 15805 CII of 2015

Prayer in this application is for condoning delay of 164 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 164 days in filing the appeal stands condoned.

Main case

The present appeal directs challenge against award dated 22.10.2014 passed by the Motor Accidents Claims Tribunal, Rewari (in short, 'the Tribunal') whereby application for grant of compensation has been dismissed primarily on the ground that the injured met with an

accident on 13.12.2011 but he died on 14.08.2012 and the claimants have failed to establish nexus between the injuries and cause of death.

Counsel for the parties are *ad idem* that the present appeal may be disposed of; award impugned be set aside and the matter be remitted to the Tribunal for decision of the case afresh on the basis of materials already on record and a doctor to be examined by way of additional evidence to establish nexus between injury and death.

In view of the above, the appeal stands disposed of. Award impugned is set aside and the matter is remitted to the Tribunal for decision of the case afresh on the basis of materials already on record and additional evidence to be adduced by the claimants and rebuttal evidence, if any, to be adduced by the respondents. The Tribunal shall issue notice to driver and owner of the vehicle and thereafter proceed with the case, in accordance with law.

Parties through their counsel are directed to appear before the Tribunal on 31.07.2019.

(Rekha Mittal)
Judge

15.07.2019
Mohan Bimbura

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