

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

-.-

FAO 6205 of 2015 (O&M)

Date of decision: 29.08.2019

Hardeep Kaur and others

.....Appellants

Versus

Manpreet Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sarbjit Singh, Advocate
for the appellants

Mr. Vinod Gupta, Advocate
for respondent/insurance company

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 04.05.2015 passed by the Motor Accidents Claims Tribunal, Amritsar (in short, 'the Tribunal') whereby application for grant of compensation on account of death of Raju alias Harjinder Singh in a motor vehicular accident that took place on 12.02.2012 has been dismissed by the Tribunal on the basis of findings recorded on issue No. 1.

Counsel for the appellants would submit that claimants have filed an application for additional evidence to place on record documents Annexures A1 to A3. He would further state that document Annexure A-1 has been issued by the Medical Officer, Civil Hospital, Baba Bakala, containing entry that Raju son of unknown, resident of Ludhiana was brought dead by 108. He has submitted that award passed by the Tribunal

may be set aside and the matter be remitted to the Tribunal for decision afresh with an opportunity to claimants to adduce additional evidence and prove documents Annexures A-1 to A-3, in accordance with law.

Counsel for the insurance company/respondent No. 3 has got no objection.

There is no representation on behalf of respondents No. 1 and 2 earlier being represented by a counsel.

Taking into consideration the legislative intent behind the provisions providing for compensation along with there being no contest by the respondents, the appeal is allowed; award passed by the Tribunal is set aside and the matter is remitted to the Tribunal for decision afresh on the basis of materials already on record and additional evidence to be adduced by claimants, in view of application filed before this Court. The claimants shall be entitle to two effective opportunities to adduce additional evidence and thereafter, the contesting respondents would be entitle to two effective opportunities for leading evidence in rebuttal, if any.

Parties through their counsel are directed to appear before the Tribunal on 26.09.2019. The Tribunal shall put its best efforts to decide the case within a period of six months of parties putting in appearance. It would be open for the Tribunal to decide as to period for which the claimants are entitle to get interest in case their claim for grant of compensation is allowed.

(Rekha Mittal)
Judge

29.08.2019
Mohan Bimbura

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