

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

225

FAO-7108-2015 (O&M)

Date of decision: 31.01.2019

PARMINDER SINGH

... Appellant

Versus

SIMRAN SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. S.S. Rangî, Advocate for the appellant.
Mr. PHS Pannu, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation in respect of injuries sustained by him in a motor vehicular accident.

Counsel for the appellant would apprise the Court that application has been filed under Order 41 Rule 27 CPC seeking permission to adduce additional evidence to produce the disability certificate wherein permanent disability to the extent of 14%, has been assessed.

Counsel for the appellant would pray that findings of the Tribunal on issue No.2 may be set aside and the matter is remitted to the Tribunal for making assessment afresh on the basis of materials already on record and additional evidence to be adduced by the claimant to prove disability suffered by the victim.

Counsel for the insurance company raised a serious objection about the same. Reply to the application for additional evidence filed in the Court is taken on record.

The claimant has filed an application under Order 41 Rule 27 CPC for placing on record disability certificate Annexure A1 and the same

was issued on 30.07.2015 after the award was passed by the Tribunal on 04.05.2015. The claimant wants to examine one of the members of the medical board who assessed disability incurred by the victim and thereafter assessment of compensation atleast with regard to disability resulting in loss of income and amenities of life etc.

Taking into consideration the legislative intent behind Section 166 of the Motor Vehicles Act, 1988 (in short 'the Act') coupled with that disability suffered by the victim has been assessed subsequent to passing of the award, interest of justice commands that the matter is remitted to the Tribunal in order to enable the claimant to prove the disability and thereafter re-assessment of compensation on the basis of materials already on record and additional evidence to be led by the claimant and evidence in rebuttal, if any, to be adduced by the insurance company.

In view of what has been discussed hereinabove, the appeal is disposed of. Findings of the Tribunal on issue No.2 are set aside and 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 parties. Parties through their counsel are directed to appear before the Tribunal on 20.02.2019. The Tribunal shall complete reassessment of compensation within three months of the parties putting in appearance. In the meanwhile, the insurance company shall not recover the compensation already paid to the claimant.

31.01.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No