

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

227

FAO-6097-2016 (O&M)

Date of decision: 17.09.2019

SATYA DEVI

... Appellant

Versus

THE NEW INDIA INSURANCE CO LTD & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. VB Aggarwal, Advocate for the appellant.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The injured is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 15.02.2015.

Counsel for the appellant would inform that subsequent to passing of award by the Tribunal, disability certificate has been issued. The claimant has filed an application under Order 41 Rule 27 CPC seeking permission to produce on record disability certificate dated 04.03.2016. He would pray that claimant may be allowed an opportunity to examine one of the members of the board that assessed disability, to prove disability certificate produced in original before the Court. He has submitted that findings of the Tribunal on issue No.2 may be set aside and the matter be 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 claimant to prove disability certificate.

Counsel for the insurance company has got no objection but would submit that the insurance company should be given an opportunity to adduce evidence in rebuttal to additional evidence, if any, adduced by the claimant.

In view of the above, the appeal is allowed. Award is set aside and the matter is remitted to the Tribunal for decision of the case afresh on the basis of materials on record and additional evidence to be adduced by the claimant and rebuttal evidence, if any, led by the insurance company. It would also be open for the Tribunal to decide, if the claim application

under Section 163-A of the Motor Vehicles Act, 1988 is maintainable in view of Division Bench judgment of this Court **Oriental Insurance Co. Ltd. Vs. Smt. Saroj and others, 2007(1) RCR (Civil) 152**. Parties through their counsel are directed to appear before the Tribunal concerned on 04.10.2019. Application for additional evidence stands disposed of.

17.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No