

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

FAO No. 8616 of 2015(O&M)

Date of decision: 28.5.2019

Satbir

.....Appellant

VERSUS

Krishan and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ram Bilas Gupta, Advocate and
Mr. Shadab Ahmad, Advocate for the appellant.

Mr. Pankaj Mehta, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

The injured claimant is in appeal seeking enhancement of compensation in respect of injuries sustained in a motor vehicular accident that took place on 12.12.2013.

Counsel for the appellant would state that the injured is ready to examine Dr. Raj Singla, Retired SMO, District Jind, a member of Medical Board that assessed disability of the victim. He would pray that compensation assessed by the Motor Accidents Claims Tribunal, Jind (in short 'the Tribunal') 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 in the shape of testimony of Dr. Raj Singla to be adduced by the claimant and rebuttal evidence, if any, to be led by the insurance company.

Counsel for the insurance company has got no objection.

In view of above, the appeal stands disposed of. Compensation assessed by the Tribunal is set aside and the matter is remitted to the Tribunal to the limited extent of assessment of compensation afresh on the basis of materials already on record and testimony of Dr. Raj Singla, a Member of the Medical Board that assessed disability and evidence in rebuttal, if any, to be adduced by the insurance company. The parties through their counsel are directed to appear before the Tribunal on 10.07.2019. The Tribunal shall dispose of the matter within a period of 3 months of the parties putting in appearance.

In the meanwhile, the insurance company shall not recover the compensation already paid to the claimants.

MAY 28, 2019 'D. Gulati'	(REKHA MITTAL) JUDGE
Whether speaking/reasoned	: yes/no
Whether reportable	: yes/no