

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

FAO No. 327 of 2017(O&M)

Date of decision: 18.12.2019

The Oriental Insurance Co. Ltd.

.....Appellant

VERSUS

Sukhwinder Singh (since deceased)through LRs & othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Varun Sharma, Advocate for
Mr. Satpal Dhamija, Advocate for the appellant.

Mr. V.D. Sharma, Advocate for respondents No.1 to 3.

REKHA MITTAL, J.(Oral)

Challenge in the present appeal is directed against award dated 12.08.2016 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri whereby compensation has been assessed on account of injuries sustained by Sukhwinder Singh now represented by his LRs, in a motor vehicular accident that took place on 03.01.2013.

Counsel for the claimants would inform that an application has been filed for adducing additional evidence. He would further state that the claimants may be allowed an opportunity to prove disability certificate by examining a witness.

Counsel for the parties are *ad idem* 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 evidence already on record and additional evidence to be adduced by the claimants

to prove disability and evidence in rebuttal, if any, adduced by the insurance company.

In view of the above, appeal stands disposed of. Findings of the Tribunal on issue No.2 with regard to assessment of compensation are set aside. The matter is remitted to the Tribunal for assessment of compensation afresh in view of submissions made by counsel for the parties.

The parties through their counsel are directed to appear before the Tribunal on 17.01.2020. The Tribunal shall assess compensation afresh within a period of 4 months of parties putting in appearance.

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

DECEMBER 18, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no