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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-19938-CII-2019 in
FAO No. 3905 of 2018 (O&M)
Date of Decision: November 29, 2019

Suman Lata and others

...... Appellants(s)

Versus

Harjit Singh and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Prabhjot Kaur, Advocate
for the applicant-appellants.

Service upon respondents no.1 & 2 dispensed with
vide order dated 12.04.2019.

Mr. Lalit Garg, Advocate
for respondent no.3.

****

LISA GILL, J.
CM No. 13535-CII of 2018

There is a delay of 125 days in filing of the appeal.

For the reasons mentioned in the application, duly supported by an affidavit of the applicant, as well as arguments addressed, delay of 125 days in filing of the appeal is condoned.

Application is disposed of.

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Notice in the application.

Mr. Lalit Garg, Advocate accepts notice of the application on behalf of respondent no.3-insurance company.

Prayer in this application is for adducing additional evidence in the shape of income-tax returns of the deceased for the assessment years 2013-2014, 2014-2015 and 2015-2016 (Annexure A-1).

It is submitted that the applicant is a housewife and the documents in question came to light at a much later stage when she was going through certain documents of her husband. Being a simple housewife, she was not aware that her husband was an income-tax payee. The said income-tax returns have an important bearing upon the matter and are necessary for the just adjudication of the present appeal.

Heard.

Learned counsel for the parties are *ad idem* that that the income-tax returns, if proved, would have a material bearing on the quantum of compensation to be awarded to the claimants.

Keeping in view the facts and circumstances of the case and the stand of the parties, finding of the learned Tribunal in respect to the quantum of compensation is set aside and the matter is remanded to the learned Tribunal for a decision afresh, after affording an opportunity to the appellants to prove the income-tax returns for the assessment years as mentioned above. Two effective opportunities shall be afforded to the appellants to prove the said income-tax returns and needless to say, the

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respondent(s) shall be afforded an opportunity to rebut the said evidence. The quantum of compensation be accordingly decided by the learned Tribunal thereafter.

The parties are directed to appear before the learned Tribunal on 20.12.2019

Application for additional evidence as well as the appeal are accordingly disposed of.

November 29, 2019.
Sunil

(LISA GILL)
JUDGE

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